

FEDERAL REGISTER

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Regulations

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 636—MINIMUM WAGE RATE IN THE METAL, PLASTICS, MACHINERY, INSTRUMENT, AND ALLIED INDUSTRIES

RECOMMENDATION OF INDUSTRY COMMITTEE

Whereas on January 27, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 173, appointed Industry Committee No. 53 for the Metal, Plastics, Machinery, Instrument, and Allied Industries, herein called the Committee; and directed the Committee to recommend minimum wage rates for the Metal, Plastics, Machinery, Instrument, and Allied Industries in accordance with section 8 of the Act; and

Whereas the Committee included twelve disinterested persons representing the public, a like number of persons representing employers in the Metal, Plastics, Machinery, Instrument, and Allied Industries, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Metal, Plastics, Machinery, Instrument, and Allied Industries are carried on; and

Whereas, on February 19, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Metal, Plastics, Machinery, Instrument, and Allied Industries; and

Whereas, after notice duly published in the FEDERAL REGISTER on February 26, 1943, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New

York, New York, on March 16, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Metal, Plastics, Machinery, Instrument, and Allied Industries, as defined by Administrative Order No. 173, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 53 for a Minimum Wage Rate in the Metal, Plastics, Machinery, Instrument, and Allied Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

Now, therefore, it is ordered, That:

§ 636.1 *Approval of recommendation of Industry Committee No. 53.* The Committee's recommendation is hereby approved.

§ 636.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Metal, Plastics, Machinery, Instrument, and Allied Industries.

§ 636.3 *Posting of notices.* Every employer employing any employees so en-

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gaged in commerce or in the production of goods for commerce in the Metal, Plastics, Machinery, Instrument, and Allied Industries shall post and keep posted in a conspicuous place in each department of his establishment where

such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United State Department of Labor.

§ 636.4 *Definition of the Metal, Plastics, Machinery, Instrument, and Allied Industries.* For the purposes of this order the term "Metal, Plastics, Machinery, Instrument, and Allied Industries" means:

The production of metals and the manufacture of any product or part made of metal or plastics; and the manufacture from any material of machinery, instruments, tools, electrical goods, transportation equipment, and ordnance: *Provided, however,* The definition shall not include:

1. The mining or milling of metalliferous ores.
2. The production of any basic material other than metal.
3. The further processing of any basic material other than metal or plastics; *provided, however,* That such processing when performed by an establishment producing from such material a product of this industry or subassembly of such product shall be included within this definition.
4. Any product, the manufacture of which is covered by the definition of an industry for which the Administrator has already issued a wage order or appointed an industry committee.

§ 636.5 *Scope of the definition.* The definition of the Metal, Plastics, Machinery, Instrument, and Allied Industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of a manufacturing establishment the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale: *And provided, further,* That where an employee covered by this definition is employed during the same work-week at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer, in accordance with applicable regulations of the Wage and Hour Division.

§ 636.6 *Effective date.* This wage order shall become effective September 13, 1943.

Signed at New York, New York, this 12th day of August 1943.

(Secs. 636.1 to 636.6, inclusive, issued under Sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208)

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-13599; Filed, August 20, 1943; 11:16 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Officers, Department of the Treasury

[General License 12,¹ Revocation]

PART 131—GENERAL LICENSES UNDER EX- ECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PUR- SUANT THERETO.

FOREIGN FUNDS CONTROL

AUGUST 20, 1943.

Revocation of General License No. 12 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

General License No. 12 is hereby revoked.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838, E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-13590; Filed, August 20, 1943;
10:18 a. m.]

[General Ruling 16]

APPENDIX A—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

SAFE DEPOSIT BOXES OF NATIONALS OF BLOCKED COUNTRIES

AUGUST 20, 1943.

General Ruling No. 16 under Executive Order No. 8389, as amended, Executive Order No. 9193, sections 3 (a) and 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Regulations relating to safe deposit boxes leased to nationals of blocked countries or containing property in which nationals of blocked countries have an interest.

(1) Except as hereinafter authorized or as specifically licensed or authorized by the Secretary of the Treasury, no person shall be granted access to any safe deposit box within the United States leased to any blocked country or national thereof or containing any property in which any blocked country or national thereof has any interest or which there

is reasonable cause to believe contains property in which any blocked country or national thereof has an interest.

(2) (a) Access to any safe deposit box leased to a blocked country or national thereof or containing property in which any blocked country or national thereof has an interest, and the deposit therein or removal therefrom of any property, is hereby authorized provided all the following conditions are complied with:

(i) Access shall be permitted only in the presence of an authorized representative of the lessor of such box;

(ii) In the event that any property in which any blocked country or national thereof has any interest is to be removed from such box, access shall be permitted only in the presence of an authorized representative of a banking institution within the United States, which may be the lessor of such box, which (subject to any applicable rules, regulations, and orders of the Office of the Alien Property Custodian) shall receive such property into its custody immediately upon removal from such box and which shall hold the same in a blocked account under an appropriate designation indicating the interests therein of blocked countries or nationals thereof;

(iii) In the event that there is to be removed from any such box any property in which a designated enemy country or a national of a designated enemy country has an interest, access shall not be permitted except in the presence of, or with the consent of, a duly authorized agent or representative of the Office of the Alien Property Custodian;

(iv) Access to any safe deposit box leased to a designated enemy country or a national of a designated enemy country shall not be permitted except in the presence of, or with the consent of, a duly authorized agent or representative of the Office of the Alien Property Custodian.

The above conditions (i) through (iv) shall not apply to access granted to a representative of the Office of the Alien Property Custodian pursuant to any rule, regulation or order of such Office.

(b) The lessee or other person granted access to any safe deposit box under this general ruling (except an agent or representative of the Office of the Alien Property Custodian) shall furnish to the lessor a certificate in triplicate that he has filed or will promptly file a report on Form TFR-300 with respect to such box, if leased to a national of a foreign country, and with respect to all property contained in the box to which access is had in which any foreign country or national thereof has an interest. The lessor shall deliver two copies of such certificate to the Federal Reserve Bank of the District in which the box is located. The certificate is required only on the first access to the box and need not be furnished if a certificate had been filed pursuant to General License No. 12 prior to the revo-

cation thereof. In case a report on Form TFR-300 has not been made before August 20, 1943, a report is hereby required to be filed on Series L in accordance with the provisions of Public Circular No. 4C, excluding Section II-D thereof, which shall be inapplicable, but any reports required under Public Circular No. 4 and not already rendered, shall also be filed. When no other date is applicable the effective date of reporting for Series L shall be the date of access. If none of the entries specified by section IV-5-(c) is applicable, the phrase "General Ruling No. 16, access to box on -----, 194--" shall be entered in Part A.

(3) As used in this general ruling, the term "designated enemy country" and the term "national of a designated enemy country" shall have the meaning prescribed in Executive Order No. 9193 of July 6, 1942.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-13591; Filed, August 20, 1943;
10:18 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 30]

REGULATION OF PETROLEUM INDUSTRY AND USE OF PETROLEUM AND ITS PRODUCTS DELEGATED TO PETROLEUM ADMINISTRA- TION FOR WAR

The following directive is issued in order to facilitate the exercise by the Petroleum Administrator for War of the powers delegated to him by Executive Order No. 9276 of December 2, 1942.

§ 903.42 Directive 30. (a) In addition to the authority delegated to the Petroleum Administrator for War by Executive Order 9276, the Petroleum Administrator for War or any official of the Petroleum Administration for War duly authorized by him may, subject to the direction of the Chairman of the War Production Board, exercise the powers and authority delegated to the undersigned under Executive Order 9125 of April 7, 1942 to:

(1) Take any action which limits, controls, or prescribes standards for the receipt, use, or delivery of any material by persons in the "petroleum industry" as defined in Executive Order 9276; or

¹ 5 F.R. 1840; 6 F.R. 3349.

(2) Take any action which limits, controls, or prescribes standards for the receipt, use, or delivery of petroleum or petroleum products by any person; or

(3) Take any action which limits, controls, or prescribes standards for the receipt, use, or acceptance of delivery by any person of the following materials or products: dispensing pumps for motor fuel and gasoline; barrel and drum pumps; hand and pressure lubricating equipment; storage tanks, containers, and cylinders used for the storage of petroleum; or housing, piping, valves and regulators used in the storage or dispensing of liquefied petroleum gas; or

(4) Receive, formulate and authorize any plans and programs for, and issue instructions and recommendations with respect to, foreign movements of blending agents used in the manufacture of petroleum products.

(b) Action taken under paragraph (a) above shall not in any way limit the applicability or effect of any order or regulation issued by the War Production Board or by the Office of Price Administration, but shall be in addition to the same.

(c) All action heretofore taken by the Petroleum Administrator for War, or any official of the Petroleum Administration for War duly authorized by him, pursuant to the statements of authority in orders M-68, M-68-c, L-56 or L-70 of the War Production Board, which might have legally been taken under this directive if then in force, are ratified and confirmed.

Issued this 18th day of August 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-13579; Filed, August 19, 1943;
4:41 p. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-403]

FORMAN FURNITURE CO.

Forman Furniture Company is a corporation engaged in the retail furniture business at 5217 Broadway Avenue, Cleveland, Ohio. Among other merchandise, it sells stoves, heaters and other domestic mechanical equipment. Between July 1, 1942, and December 29, 1942, Forman Furniture Company made numerous sales and deliveries of new metal heating equipment and new metal plumbing equipment to ultimate consumers in violation of Limitation Order L-79. In certain instances, the company, through its

employees, attempted to cover up its failure to sell and deliver the plumbing and heating equipment in accord with the order by obtaining for its files L-79 certifications falsely purporting to be signed by the respective customers. Since the company's responsible officials knew of Limitation Order L-79, these actions must be deemed to constitute wilful violations of the order.

These violations of Limitation Order L-79 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.403 Suspension Order S-403.

(a) Forman Furniture Company, its successors and assigns, shall not, directly or indirectly, buy, accept delivery of, receive, sell, deliver, or transfer any new metal cooking stoves, or new "metal heating equipment", as said term is defined in Limitation Order L-79, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing in this order shall be deemed to relieve Forman Furniture Company, its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 20, 1943, and shall expire on December 20, 1943.

Issued this 13th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13614; Filed, August 20, 1943;
11:27 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Limitation Order L-310]

KNITTED OUTERWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of yarns in worsted, woolen, cotton, rayon, and other materials for defense, for private account and export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.316 General Limitation Order L-310—(a) *Definitions.* For the purpose of this order:

(1) "Knitted outerwear" means the following machine knitted wearing apparel: sweaters, bathing trunks and suits, gloves, mittens, headwear and mufflers.

(2) "Producer" means a person engaged in the business of making yarn owned by him into knitted outerwear either on his machines or on machines operated for his account.

(3) "Style" means a distinctive model of a garment or combination of materials in a garment. A type of garment to which it has been customary to assign an individual identifying number during production shall be considered a separate style. Variations in color or size may be disregarded.

(4) All trade terms shall have their usual and customary meanings unless otherwise expressly defined.

(b) *Restrictions on production.* No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make knitted outerwear contrary to the requirements of Schedules A, B, C, D, E, F and G of this order.

(c) *Exceptions.* (1) The restrictions of this order do not apply to manufacture of any knitted outerwear for the account of the Army, or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(2) The restrictions of this order do not apply to the use of any material which on August 20, 1943, was in the inventory of the producer or on order and which with his existing machines, or machines operated for his account, he cannot make into knitted outerwear in accordance with this order.

(d) *Reports.* Producers and all other persons who, after August 20, 1943, have put any yarn into knitting or caused any yarn to be put into knitting to make knitted outerwear, shall report for the calendar month of September, 1943, their yarn consumption, their machine activity and their garment production by filing form WPB-3156 with the War Production Board on or before the 10th day of October, 1943. Reports shall also be filed on or before the 10th day of November, 1943, and of each succeeding month for the preceding calendar month pursuant to the instructions as revised from time to time. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Communications to War Production Board.* Any reports required to be filed hereunder, and all communications

concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: L-310.

(h) *Equitable distribution.* (This paragraph does not apply to sales by retailers, inasmuch as the Fair Distribution Policy for retailers is defined in Declaration of Policy of July 15, 1943.) Preference ratings are given to certain orders to further the war program. It is the policy of the War Production Board that knitted outerwear not required to fill rated orders shall be distributed equitably. In making such distribution due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment.

Under this policy every seller of knitted outerwear, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location or relationship as affiliated outlets.

It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(i) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department, or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 20th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—MEN'S, BOYS' AND JUNIOR BOYS' SWEATERS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make men's, boys' or junior boys' sweaters except as follows:

(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.

(b) Models shall be basically one or more of the following:

(1) Model A—Pullover sweater, ribtail-crew, vee or ringneck.

(2) Model B—Pullover sweater, open bottom, hemmed or selvedge—vee or ringneck.

(3) Model C—Pullover sweater, "Johnny collar", ribbed bottom.

(4) Model D—Coat style sweater, "Johnny collar", ribbed bottom.

(5) Model E—Coat style sweater, vee neck, open bottom, hemmed, selvedged or ribbed.

(6) Model F—Coat style sweater, notch collar, open sleeve—in men's sizes only.

(7) Model G—Coat style sweater, shawl collar, shaker type—(4-gauge or coarser)—in men's and boys' sizes only.

(8) Model H—Jersey, navy type collar—in men's sizes only.

(c) Sizes shall range as follows:

(1) Men's—34 and above.

(2) Boys'—28 to 38, inclusive.

(3) Junior boys'—6 years to 12 years, inclusive.

(d) Weights shall not exceed those currently used except where the increase results from a necessary change in the basic fibres.

(e) Overall lengths shall not exceed the measurements set forth below opposite the respective models and sizes:

(1) In men's sizes—Models A, B and C—size 42—26 inches.

(2) In men's sizes—Models D, E and G—size 42—27 inches.

(3) In men's sizes—Model F—size 42—30 inches.

(4) In boys' sizes—Models A, B, C, D, E and G—size 38—24 inches.

(5) In junior boys' sizes—Models A, B, C, D and E—size 12—19 inches.

(f) The following models and features shall be eliminated:

(1) Double-breasted sweaters.

(2) Reversible sweaters.

(3) Buttons or tabs attached to sleeves.

(4) Extra or spare buttons attached.

(5) Hand-sewn ribbons or strengthening tapes sewed in neck or shoulders.

(6) Basted pocket openings.

(7) Applique or insert decorations.

(8) Bibs, mufflers or accessories attached.

(g) Other restrictions shall be as follows:

(1) No style shall be produced in excess of five color arrangements in any single season. Model H shall be produced in navy blue only.

(2) Number of pockets shall not exceed two except that Models A and H shall have no pockets.

(3) Pockets shall be patch or insert, and plain with no flaps, pleats, bellows, tucks or tabs.

(4) Areas of pockets shall not exceed the areas set forth below opposite the respective sizes and models:

(i) In men's sizes—All models except Model F—42 square inches.

(ii) In men's sizes—Model F—64 square inches.

(iii) In boys' sizes—All models—39 square inches.

(iv) In junior boys' sizes—All models—24 square inches.

(5) Backs shall be plain with no yokes, blousing action backs, belts, decorative effects or any imitation thereof except those created in the knitting process.

(6) Sample swatches may not exceed twelve square inches in area, and may be manufactured only for distribution to the trade.

(7) Rib cuffs and skirt hems on Models A, B and C (other than on shakers, four-gauge and coarser, in men's and boys' sizes) shall not exceed the following lengths:

(i) In men's sizes, 5 inches.

(ii) In boys' sizes, 4½ inches.

(iii) In junior boys' sizes, 4 inches.

(8) Cuffs and skirt hems on Models A, B and C, shakers, four-gauge and coarser, in men's and boys' sizes shall not exceed the following lengths:

(i) In men's sizes, 6 inches.

(ii) In boys' sizes, 5 inches.

(9) Buttons and buttonholes shall be limited to six of each on Models D, E, F and G in men's sizes up to size 46; to five of each on Models D, E and G in boys' sizes; and to four of each on Models D and E in junior boys' sizes.

(h) *Exceptions.* The limitations on the number of styles, models, color arrangements and applique decorations shall not apply to the production, on special order, of "Award", "Class" or "Athletic Group" sweaters.

SCHEDULE B—LADIES' AND MISSES' SWEATERS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make ladies' or misses' sweaters except as follows:

(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.

(b) Models shall be basically one or more of the following:

(1) Model A—Pullover, known as regulation pullover.

(2) Model B—Pullover, known as "boxy".

(3) Model C—Cardigan, known as "boxy".

(4) Model D—Cardigan, known as "shorty" regulation.

(5) Model E—Cardigan, matron.

(6) Model F—Coat style, vee neck, utility.

(7) Model G—Coat style, notch collar, utility.

(c) Sizes shall range as follows:

(1) Ladies', in Models A, B, C and D—34 to 40, inclusive.

(2) Ladies', in Model E—38 to 46, inclusive.

(3) Ladies', in Models F and G—38 to 52, inclusive.

(4) Misses', in all models—10 years to 16 years, inclusive, or the equivalent thereof.

(d) Weights shall not exceed those currently used except where the increase results from a necessary change in the basic fibres.

(e) Overall lengths shall not exceed the measurements set forth below opposite the respective models and sizes:

(1) Models A and D—size 38, or size 16—20 inches.

(2) Models B and C—size 38, or size 16—22½ inches.

(3) Model E—size 42—24 inches.

(4) Models F and G—size 42—25 inches.

(f) The following models and features shall be eliminated:

(1) Fly-front, double-breasted or reversible models.

(2) Turned-back cuffs.

(3) Decorative effects, such as embroidery, applique, sequins, spangles or extra stitching which do not add to the serviceability of the garment.

(4) Pleating, pinching, tucking or smocking.

(5) Belts or sashes, either separate or attached.
 (6) Sleeves which are raglan, puffed, balloon, dolman, bell, leg-o-mutton or otherwise exaggerated.

(7) Fringes, tassels or pompons.
 (8) Linings which are complete, half or yoke.

(9) Shoulder pads.
 (10) Front yoke, back yoke or swing back, except when knitted in as integral parts of the garment.

(11) Hand-sewn buttons or button holes.
 (12) Twin sets.

(13) Fagoting or embroidery, either hand or machine.

(14) Saddle-shoulder construction.

(g) Other restrictions shall be as follows:

(1) No style shall be produced in excess of six color arrangements in any single season.

(2) Number of pockets shall not exceed two except that Models A, B, C and D shall have no pockets.

(3) Pockets shall be patch or insert and plain, with no flaps, pleats, bellows, tucks or tabs.

(4) Sleeves, if any, on Models A and C shall be either $\frac{1}{4}$ length or full length, and on Models B, D and E shall be full length.

SCHEDULE C—JUNIOR GIRLS', CHILDREN'S AND INFANTS' SWEATERS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make junior girls', children's or infants' sweaters except as follows:

(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.

(b) Models shall be basically one or more of the following:

(1) Model A—Pullover.
 (2) Model B—Cardigan.

(3) Model C—Open sacque.
 (4) Model D—Button sacque.

(c) Sizes shall range as follows:

(1) Junior girls', in Models A and B—6 to 12 years, inclusive.

(2) Children's, in Models A and B—3 to 6 years, inclusive.

(3) Infants', in Models A and B—0 to 3 years, inclusive.

(4) All Models C and D shall not exceed 9 inches by 12 inches.

(d) Weights shall not exceed those currently used except where the increase results from a necessary change in the basic fibres.

(e) The following features shall be eliminated:

(1) Twin sets.
 (2) Overlapping collars on sizes 8 years and above.

(3) Hand embroidery, applique or decorative effects in sizes 3 to 12 years, inclusive.

(f) Other restrictions shall be as follows:

(1) No style shall be produced in excess of 6 color arrangements in any single season.

(2) The number of pockets shall not exceed one on Models A and B in infants' sizes 0 to 3 years, inclusive, and shall not exceed two on Models A and B in children's and junior girls' sizes 3 to 12 years, inclusive.

SCHEDULE D—MEN'S, BOYS' AND JUNIOR BOYS' KNIT BATHING SUIT-TRUNKS AND BATHING SUITS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make men's, boys' or junior boys' bathing suit-trunks or bathing suits except as follows:

(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.

(b) Models shall be basically one or more of the following:

(1) Model A—Bathing suit—standard regulation skirtd.

(2) Model B—Bathing trunk—standard regulation.

(3) Model C—Bathing shirt—standard with cut-out armhole and neck.

(c) Sizes shall range as follows:

(1) Men's, in Models A and C—chest 34 to 46, inclusive.

(2) Boys', in Models A and C—chest 28 to 36, inclusive.

(3) Junior boys', in Model A—6 to 12 years, inclusive.

(4) Men's, in Model B—waist 28 to 40, inclusive.

(5) Boys', in Model B—waist 26 to 32, inclusive.

(6) Junior boys', in Model B—waist 20 to 26, inclusive.

(d) The following features shall be eliminated:

(1) Side stripes on Model B.
 (2) Fly-fronts or imitations thereof on Model B.

(3) Combination of both belt loops and drawstrings on Model B.

(e) Other restrictions shall be as follows:

(1) No style shall be produced in excess of four color arrangements in any single season.

(2) Number of belt loops on Model B shall not exceed six.

(3) Number of pockets on Models A and B shall not exceed one.

(4) Waist hems on Model B shall not exceed three inches.

(5) Leg hems on Models A and B shall not exceed one inch.

SCHEDULE E—LADIES', MISSES', JUNIOR GIRLS' AND CHILDREN'S BATHING SUITS

No producer shall put yarn owned by him into knitting, or cause yarn owned by him to be put into knitting, to make ladies', misses, junior girls' or children's bathing suits except as follows:

(a) The number of styles used in the balance of the calendar year 1943, and in each following calendar year, shall not exceed 50% of the number of styles used in the calendar year 1941 or 20 styles, whichever is greater.

(b) Sizes shall range as follows:

(1) Ladies'—34 to 46, inclusive.
 (2) Misses'—10 to 16 years, inclusive.

(3) Junior Girls'—6 to 12 years, inclusive.
 (4) Children's—3 to 6 years, inclusive.

(c) The following features shall be eliminated:

(1) Puffing, tucking or shirring, except that shirring in the brassiere unit for fit purposes shall be permitted.

(2) Buttons, eyelets or lacing for purely ornamental purposes.

(3) Sashes.

(4) Gores in skirt.

(5) Scalloping from self material.

(6) Embroidery and side stripes on bathing suits in junior girls' sizes.

(7) Pockets, belt or loops on bathing suits or trunks in junior girls' sizes, and belts or loops on all one-piece bathing suits.

(8) Attached ornaments, except appliques as allowed in this schedule.

(9) Combination of both appliques and other trimmings.

(d) Other restrictions shall be as follows:

(1) Bathing suits in junior girls' and children's sizes shall be produced only in the Maillot model or trunk model.

(2) Number of colors, whether or not the colors are used in combination, for each style shall not exceed six in ladies' and misses' sizes, and shall not exceed four in junior girls' and children's sizes, in any single season.

The number of colors in any combination of colors shall not exceed two.

(3) Number of appliques shall not exceed three on bathing suits in ladies' and misses' sizes, and shall not exceed two on bathing suits in junior girls' sizes, not including trade emblems.

(4) Each applique, except trade emblems, shall be made from one piece of fabric.

(5) Skirt flare shall not exceed 54 inches in circumference on size 34, with a two-inch grading for each other size.

(6) Each applique, except trade emblems, shall be made from one piece of fabric.

(7) Skirt flare shall not exceed 54 inches in circumference on size 34, with a two-inch grading for each other size.

(8) Each applique, except trade emblems, shall be made from one piece of fabric.

(9) Skirt flare shall not exceed 54 inches in circumference on size 34, with a two-inch grading for each other size.

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(130) Each applique, except trade emblems, shall be made from one piece of fabric.

(131) Skirt flare shall not exceed 54 inches in circumference on size 34, with a two-inch grading

Chapter XI—Office of Price Administration

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 400,¹ Amdt. 1]

FINE PAPERS AND CERTAIN PAPERBOARDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 400 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Prohibition against dealing in fine papers and certain paperboards at prices above the maximum prices—*

(a) *Sales covered by the regulation.* On and after July 5, 1943, in the area covered by this regulation, regardless of any contract, agreement, lease or other obligation, no merchant shall sell, deliver or transfer any of the fine papers or paperboards covered by this regulation, and no person shall buy or receive any such fine papers or paperboards from any merchant at prices higher than the maximum prices set forth in this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. If the seller and buyer are not both located in the area covered by this regulation, then the location of the buyer and not that of the seller determines whether the transaction is subject to this regulation.

(b) *Sales not covered by the regulation.* (1) The provisions of this section shall not be applicable to sales or deliveries of fine papers or paperboards, if prior to July 5, 1943, they had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to the buyer.

(2) The provisions of this section shall not be applicable to sales or deliveries by a merchant of fine papers in cases where the manufacturer of the paper sells it through a merchant to a specific purchaser, or sells it to a merchant for resale to a specific purchaser if the following conditions are present:

(i) The manufacturer is directly involved in the determination of the final price to the purchaser, and

(ii) The merchant's sole compensation for the service rendered is in the form of a selling discount, commission or fee.

Such sales are considered sales by the manufacturer and are subject to the appropriate regulation governing manufacturers' sales. This exception, however, does not apply to sales of paperboard.

2. Section 17 (c) is amended to read as follows:

(c) *Job lots and seconds.* On a sale of job lots or second qualities the mer-

chant shall specify on his invoice or on the wrapping of the paper that it consists of such quality.

This amendment shall become effective August 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13565; Filed, August 19, 1943; 3:04 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296,¹ Amdt. 7]

FLOUR FROM WHEAT, SEMOLINA AND FARINA SOLD BY MILLERS AND BLENDEES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1351.1666 Appendix A (III) (c) (i) and (ii) are amended to read as follows:

(c) At destinations in all states except those mentioned in paragraphs (a) and (b) hereof, the maximum prices shall be determined as follows:

(i) For flour milled in the states of Washington, Oregon, Idaho (north of the southern boundary of Idaho County), Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin and Iowa, the maximum prices shall be \$7.61 per barrel for bakery cake flour, \$6.36 per barrel for other soft wheat bakery flour with an ash content of .41% or less and \$5.96 per barrel for other soft wheat bakery flour with an ash content greater than .41%, plus the charge at the lowest flat domestic carload rail rate from Spokane, Washington, to the destination.

(ii) For flour milled in the states of California, Nevada, Utah, Idaho (south of the southern boundary of Idaho County), Colorado, Arizona and New Mexico, the maximum prices shall be \$7.85 per barrel for bakery cake flour, \$6.60 per barrel for other soft wheat bakery flour with an ash content of .41% or less and \$6.20 per barrel for other soft wheat bakery flour with an ash content greater than .41% plus the charge at the lowest flat domestic carload rail rate from Ogden, Utah, to the destination.

This amendment shall become effective August 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 7328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13566; Filed, August 19, 1943; 3:03 p. m.]

¹ 8 F.R. 158, 612, 2598, 3703, 7567, 7599, 8544, 9159, 10362, 10758.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,¹ Amdt. 53]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 13 is amended in the following respects:

1. The fourth sentence of section 9.5 (c) (3) is amended to read as follows:

If the transferor does not get the points within the time required by this subparagraph, he must immediately notify the district (or state) office for the place where his establishment is located, of the default.

2. A new sentence is added at the end of section 9.5 (c) (3) to read as follows:

If the District Manager (or State Director) is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire processed foods is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Manager (or State Director) shall so inform all persons whom he informed of the default.

This amendment shall become effective August 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13567; Filed, August 19, 1943; 3:03 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,² Amdt. 54]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The fourth sentence of section 10.5 (d) (3) is amended to read as follows:

If the transferor does not get the points within the time required by this

¹ 8 F.R. 1840, 2288, 2681, 2684, 2943, 3179, 3949, 4342, 4525, 4726, 4764, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5847, 6046, 6137, 6138, 6181, 6838, 6839, 7267, 7268, 7380, 7353, 7490, 7589, 8357, 8705, 9024, 9012, 9216, 9305, 9459, 10511, 10665.

² 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7381, 7281, 7589, 7455, 7491, 8357, 8540, 8614, 8844, 8869, 9014, 9025, 9217, 9305, 9886, 10085, 10432, 10511, 10665, 10763.

*Copies may be obtained from the Office of Price Administration.
¹ 8 F.R. 7556.

subparagraph, he must immediately notify the district (or State) office for the place where his establishment is located, of the default.

2. A new sentence is added at the end of section 10.5 (d) (3) to read as follows:

If the District Manager (or State Director) is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire foods covered by this order is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Manager (or State Director) shall so inform all persons whom he informed of the default.

This amendment shall become effective August 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13572; Filed, August 19, 1943;
3:00 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[Revocation of RO 9']

HEATING STOVES

A rationale accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order No. 9 (§§ 1432.1 to 1432.67, inclusive) is hereby revoked, subject to the provisions of section 5.1 of General Ration Order No. 8.

This order of revocation shall become effective at 12:01 a. m. on August 24, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-S, 7 F.R. 10668; E.O. 9125, 7 F.R. 2719)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13573; Filed, August 19, 1943;
3:00 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A]

STOVES

The War Production Board has determined that the curtailment of the production of stoves as an aid to conserva-

tion of scarce materials and manpower also requires, in the interests of the war effort, broadening of the stove rationing program to effect a fair distribution of the limited supply available for civilian use. To accomplish the purpose, Ration Order No. 9, which has been in effect since December 19, 1942, is supplanted by a new Ration Order 9A, effective August 24, 1943.

Ration Order 9A expands the scope of the program heretofore in effect with respect to the area in which stoves are rationed, the types of stoves rationed, and the control of distribution at trade levels. Whereas under Ration Order No. 9 only new domestic heating stoves were rationed, and were rationed only in the states where fuel oil is rationed, the new order covers nearly all types of new domestic cooking stoves as well as of heating stoves, and applies to all forty-eight (48) states and the District of Columbia. And whereas under Ration Order No. 9 control over the distribution of stoves was confined to persons who sold to consumers, the present order extends distribution control to all levels, from manufacturers through distributors and dealers to consumers.

The eligibility standards which consumers had to meet to be entitled to a stove certificate under Ration Order No. 9 have been carried over, without substantial change, into the new order. However, the need for conserving certain types of fuels, such as oil or gas, in areas where those fuels are scarce as compared with other fuels, is reflected in certain additional restrictions upon eligibility, applicable in the areas where those fuels are relatively scarce. In addition, a system of quotas is instituted under the new program in order to balance supply and distribution. Equitable distribution of the available supply will also be promoted by adoption of the "flow-back" system through all levels of the trade, a control procedure which in other rationing programs has proved instrumental in directing supply to areas of demand and thereby preventing accumulation of stocks urgently needed by dealers and distributors in other localities.

The Army, Navy and other exempt agencies will continue to obtain their stoves under the priority order system of the War Production Board. Similarly, persons who need stoves for export and those who need them in projects authorized by that Board will continue to follow the procedure now used. Stoves obtained by these users will not be charged to civilian supply quotas.

§ 1432.68 *Rationing of stoves.* Under the authority vested in the Price Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; and by Directive No. 1, and Supplementary Directive No. 1-S of the War Production Board, issued on January 24, 1942, and May 8, 1943, respectively, Ration Order 9A, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1432.68 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-S, 8 F.R. 6018.

RATION ORDER 9A—STOVES

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*Copies may be secured from the Office of Price Administration.

¹ 7 F.R. 10720; 8 F.R. 1318, 2433, 2722, 2941, 8003, 3716, 10668.

- Sec.
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- 12.1 Persons directly affected by action taken under this order may appeal.

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Article I—Introduction¹

SECTION 1.1 *Stoves covered by this order.* (a) This order covers "new" heating, cooking, and combination heating and cooking "stoves" designed for use in the household, for installation on or above the floor, and for the use of coal, wood, oil, kerosene, gasoline or gas as a fuel. It also covers conversion burners used in converting heating or cooking stoves to the use of oil. The order does not cover any equipment which has been used more than 60 days, nor does it apply to electric, charcoal or alcohol stoves, gas hot plates, gas laundry stoves, furnaces, waterheaters, laundry stoves having built-in water jackets or coils, or wood-burning sheet metal stoves which are not equipped with grates or cast iron base or linings, or equipment

designed for commercial, industrial, agricultural or institutional use.

SEC. 1.2 *Stoves are classified according to type.* (a) There are seven "types" of equipment covered by this order: heating stoves of three fuel types: (1) coal or wood heating stoves, (2) oil heating stoves (including those using kerosene or gasoline as a fuel), (3) gas heating stoves; cooking stoves of the same three fuel types: (4) coal or wood cooking stoves, (5) oil cooking stoves (including those using kerosene or gasoline as a fuel), (6) gas cooking stoves; and (7) conversion burners. Whenever the word "stove" is used in this order, without referring to any particular type, all seven types are being referred to.

SEC. 1.3 *How stoves are rationed.* (a) Stoves are rationed among eligible "consumers" through the issuance by "boards" of "certificates" on OPA Form R-901. (The eligibility requirements are given in sections 2.3 to 2.5, inclusive, and in section 2.8). A certificate may be used to buy or "acquire" only the type of stove shown on its face. "Persons" who sell stoves replenish their stocks with the types of stoves they have sold by presenting to the persons who supply them, certificates which they get from their customers.

(b) The total number of certificates which a board may issue to consumers is limited by quotas set for that board during periods fixed by the Office of Price Administration. The "Washington Office" may allocate or direct the allocation of quotas and reserve quotas for each type of stove covered by this order for such areas and such periods of time as it may determine, and it may at any time adjust, readjust or revoke such quotas and alter or otherwise change such areas or periods of time.

(c) This order is not intended to limit or restrict the quantity of stoves obtainable by the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration or Maritime Commission of the United States (called exempt agencies in this order); or by agencies of the United States or other persons to the extent to which they acquire stoves for export to and consumption or use in any foreign country or territory or possession of the United States (other than the District of Columbia); or, by agencies of the United States or other persons to the extent to which they acquire stoves for installation in a project when such installation has been specifically authorized by the War Production Board by the issuance of an order in the series designated P-19, P-55 or P-110 by that board. Transfers to or for exempt agencies or to or for persons acquiring stoves for export or for installation in a project authorized by the War Production Board, and the replenishment of stoves transferred to or for such persons by dealers and distributors, are made under applicable priority orders of other agencies of the United States.

Article II—Consumers

SEC. 2.1 *Who is a consumer.* (a) Any "person" who needs or has "acquired" a "new stove" for any use is a "consumer". However, an exempt

agency or a person acquiring a stove for export or for installation in a project authorized by the War Production Board is not a consumer within the meaning of this order.

SEC. 2.2 *Consumer may not order a stove without a certificate.* (a) No consumer may buy or acquire a new stove unless he gives up to the seller or transferor a "certificate" for that "type" of stove at or before the time he orders it.

SEC. 2.3 *Heating stoves—eligibility requirements.* (a) *Where the consumer has no equipment available.* Any consumer who needs a stove to heat essential living or working space and who has no equipment for that purpose may be given a certificate for any of the following types of stoves:

- (1) A coal or wood heating stove;
- (2) An oil heating stove or a conversion burner (i) for use outside the "emergency oil shortage area", or (ii) for use inside that area if a coal or wood stove cannot be obtained or is not adequate for the purpose. (The emergency oil shortage area is that area described in Ration Order No. 11 as the limitation area, other than the States of Georgia, Oregon, Washington, and the parts of Florida and Idaho covered by that order); or,
- (3) A gas heating stove if the War Production Board does not prohibit the delivery of a gas stove or gas for its operation.

(b) *Where the consumer has equipment which is worn out or damaged.* Any consumer who needs a stove to heat essential living or working space and who has available for that purpose only equipment which is worn out or damaged and cannot be repaired within a reasonable time or at a reasonable cost may be given a certificate for any of the following types of stoves for replacement of the worn out or damaged equipment:

- (1) A coal or wood heating stove;
- (2) An oil heating stove or a conversion burner (i) for use outside the emergency oil shortage area, or (ii) for use inside that area to replace oil heating equipment; or to replace heating equipment other than oil heating equipment if a coal or wood stove cannot be obtained or is not adequate for the purposes; or,
- (3) A gas heating stove (i) to replace any heating equipment if the War Production Board does not prohibit the delivery of a gas stove or gas for its operation, or (ii) to replace a gas heating stove of the same or greater heating capacity if the War Production Board limits the delivery of gas or the replacement of gas heating stoves in that manner.

SEC. 2.4 *Cooking stoves—eligibility requirements.* (a) Any consumer who needs a stove for cooking and who has no equipment for that purpose, or who has only equipment which is worn out or damaged and cannot be repaired within a reasonable time or at a reasonable cost, may be given a certificate for any type of cooking stove. (Eligibility for a combination heating and cooking stove is covered in the next section.)

SEC. 2.5 *Combination heating and cooking stoves—eligibility requirements.*

¹ Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. Definitions are given in section 13.1 (a) of this order.

(a) Any consumer who wishes to have a combination heating and cooking stove must show that he is eligible for both a cooking stove and a heating stove burning the kind of fuel used in the heating part of the combination stove.

SEC. 2.6 How application is made for certificate. (a) A consumer may apply for a certificate on OPA Form R-900. The application must be made by the consumer himself or by someone acting for him, and may be made in person or by mail. The application may be made only to the "board" serving the area where the stove is to be used. Separate applications must be made for each type of stove for which a certificate is sought.

SEC. 2.7 How boards issue certificates. (a) The board may issue a certificate to the applicant on OPA Form R-901 for the number of stoves to which he is entitled, if it finds

(1) That the applicant is eligible for the certificate applied for;

(2) That he has not without good cause in the sixty day period before the date of his application sold or otherwise transferred a stove which is adequate for the purpose for which the application is made;

(3) That the stove is required for use in the area served by the board; and,

(4) That the quota for that board will not be exceeded by the issuance of the certificate.

The board must issue a separate certificate for each type of stove, and must indicate on the face of each certificate at the time it is issued, in addition to the other information required by the form, the type of stove which may be acquired. However, no board may issue a certificate for a gas heating or cooking stove if it has reason to believe that gas service will not be available for its operation.

SEC. 2.8 Any consumer may acquire stoves for experimental or technological purposes. (a) Any consumer who needs a stove for experimental or scientific purposes or for use in connection with a technological process may apply for a certificate on OPA Form R-900. The application may be made by mail or in person and must be made in writing to the board serving the area where the stove is to be used, showing:

(1) The name and address of the applicant;

(2) The type of stove needed; and,

(3) The reason it is needed.

(b) If the board finds that the stove for which the application is made is needed for experimental or scientific purposes or for use in connection with a technological process, it may issue a certificate on OPA Form R-901 to the applicant for the type of stove applied for, if the quota for that type will not be exceeded by the issuance of the certificate.

Article III—Dealers and Distributors

SEC. 3.1 Explanation of the terms dealer establishment, distributor establishment, dealer, and distributor. (a) Any place where a "person" regularly buys and sells "stoves covered by this order" is a "dealer establishment" if the sales or other "transfers" from there are made primarily to "consumers". Such

a place is a "distributor establishment" if the sales or other transfers from there are made primarily to persons other than consumers or primarily to supply one's own establishments. However, if a place is used by a person to keep stoves just to supply his own establishments, that place is a distributor establishment only if it supplies:

(1) At least two of his distributor establishments, or

(2) At least three of his dealer establishments.

(b) Any person who has a dealer establishment is called a "dealer" and any person who has a distributor establishment is called a "distributor."

SEC. 3.2 Dealers and distributors must register—(a) *General.* Every dealer and every distributor must register with the "board" serving the area where the establishment is located by filing three (3) copies of OPA Form R-902 at any time between September 1, 1943 and September 3, 1943, inclusive. Each copy must be completed and signed by the person registering or his authorized agent.

(b) *Dealers and distributors must give information called for.* The dealer or distributor must give all information called for by OPA Form R-902.

(c) *Each establishment must be registered separately.* If a dealer or distributor has more than one establishment he must file separate registration forms for each.

(d) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope in which it is enclosed is postmarked on or before September 3, 1943.

(e) *Dealers and distributors who do not register on time.* A dealer or distributor who has failed to register within the time fixed by this section may apply to his board for permission to file his registration form, explaining in writing the reasons why he did not register on time. The board shall send the written explanation to the "district office", and may attach its recommendation. If the district office is satisfied that the failure to register on time was for good cause, it may grant permission to the applicant to file his registration form, and may impose any conditions it finds proper.

SEC. 3.3 A dealer or distributor may not acquire stoves if he does not register.

(a) No dealer or distributor may "acquire" any stove after September 3, 1943, unless he has registered in the manner required by this order.

SEC. 3.4 Office of Price Administration to return original registration. (a) After a dealer or distributor has registered, his original registration form as approved by the board will be mailed to him.

SEC. 3.5 Dealers and distributors must report their inventories. (a) As a part of his registration on OPA Form R-902, a dealer or distributor must report, by number and "types", the actual and certificate inventory of stoves covered by this order at the close of business on August 31, 1943 (or at the time of registration, if application for registration is made after September 3, 1943). The total of those two figures for each type

of stove is called his "registered inventory" for that type of stove.

(1) In computing registered inventory, cooking stoves using coal and oil are treated as oil cooking stoves, and those using coal and gas, or oil and gas, are treated as gas cooking stoves; combination heating and cooking stoves using coal and oil are treated as oil cooking stoves; combination heating and cooking stoves using coal and gas, or oil and gas, are treated as gas cooking stoves; and combination heating and cooking stoves using one type of fuel are treated as cooking stoves using that type of fuel. Conversion burners need not be included in registered inventory.

(b) A dealer's or distributor's actual inventory consists of all stoves, by type, covered by this order (including stoves on consignment) that are physically located at his establishment or which he holds at another place for his establishment, or in transit to either of these places. However, the following items are not part of his inventory:

(1) Stoves at his establishment kept for a person other than a customer or transferee, or obtained on the basis of a priority order of an agency of the United States and held for delivery to the person covered by that order, or held there as security for a loan to someone else (or a similar transaction), or in transit to it for any of those purposes; or,

(2) Stoves included in the inventory of one of his other establishments. If he has stoves at or in transit to any place other than an establishment as defined in this order, he must include them in the inventory of one or more of his establishments (but may divide them among such establishments as he chooses), and must report the place where they are kept.

(c) A dealer's or distributor's certificate inventory consists of the number of stoves of each type which he has transferred and which are represented by "certificates" received by him before September 1, 1943. He must also include in his certificate inventory stoves which he transferred before September 1, 1943, to a person covered by a priority order of an agency of the United States and which he is entitled to replenish under that order.

SEC. 3.6 Dealers and distributors must report their sales. (a) A dealer or distributor, also as a part of his registration on OPA Form R-902, must report the number of stoves of each type sold by the business in either 1941 or 1942, whichever is larger.

(1) In computing his report of sales, cooking stoves using coal and oil are treated as oil cooking stoves, and those using coal and gas, or oil and gas, are treated as gas cooking stoves; combination heating and cooking stoves using coal and oil are treated as oil cooking stoves; combination heating and cooking stoves using coal and gas, or oil and gas, are treated as gas cooking stoves; and combination heating and cooking stoves using but one type of fuel are treated as cooking stoves using that type of fuel.

(2) However, he may not include in the report any sales of conversion burners, or exchanges of stoves, or transfers

from one to another of his establishments.

SEC. 3.7 A dealer or distributor establishment is given an allowable inventory—(a) General. Every dealer or distributor is entitled to an operating inventory, called an "allowable inventory", for each establishment if stocks of stoves were kept at the establishment (or its predecessor) during either 1941 or 1942. The allowable inventory will cover each type of stove transferred in either year. If a business was started on or after January 1, 1943 (but before July 1, 1943) and stocks of stoves were kept, the establishment is entitled to an allowable inventory covering each type of stove which was transferred. The allowable inventory is based upon the sales of stoves, by type, covered by this order and is stated in terms of the number of stoves, by type. If a dealer or distributor is not entitled to any allowable inventory for a particular type or types of stove, he may apply for relief under section 3.8.

(b) *Amount of allowable inventory.* The board shall fix as the allowable inventory of an establishment which was in business during 1941 and 1942, or all of 1942, the allowable inventory figure shown in Table I in the supplement to this order, by applying the amount of sales of stoves, by type, shown on the registration form, to that table. The allowable inventory of an establishment opened during 1942 or the first six months of 1943 will be determined by the district office; in such case the board may, when it sends a copy of the applicant's registration form to the district office, attach its recommendation for the amount of the allowable inventory that should be authorized. The allowable inventory of an establishment opened after June 30, 1943, is covered by section 9.3.

(1) Exchanges of stoves and transfers from one establishment to another establishment of the same person must not be included in the computation.

(c) *If allowable inventory exceeds registered inventory, board issues certificates for difference.* If a dealer's or distributor's registered inventory of any type of stove is less than his allowable inventory for that type, he is entitled to receive a certificate on OPA Form R-901 for the number of stoves of that type needed to make up the difference between his registered inventory and his allowable inventory for that type of stove. The certificate will be issued by the board with which he is registered.

(d) *If registered inventory exceeds allowable inventory, difference is owed by dealer or distributor.* If a dealer's or distributor's registered inventory of any type of stove is greater than his allowable inventory for that type, the difference is excess inventory. Except for good cause, he must give up to the board certificates equal to his excess inventory and may not, until he has done so, use any certificate to acquire that type of stove. However, upon certification by the War Production Board, the board shall increase the allowable inventory of a distributor who sells to persons covered by priority orders of an agency of the United States, in the amount of the

excess of his registered inventory over his allowable inventory as computed under this section, or in the amount of any part of such excess specified by the War Production Board in its certification.

(e) *What a dealer or distributor must do if his allowable inventory is changed.* Whenever the Office of Price Administration in the supplement to this order decreases a dealer's or distributor's allowable inventory for any type of stove, the dealer or distributor must bring or mail his registration form for correction to the board with which he is registered. The amount of the decrease in his inventory is then treated as excess inventory and he must give up certificates to the board as required by paragraph (d) of this section. If his allowable inventory is increased, he may bring his registration form to his board for correction and receive inventory certificates for the difference, as explained in paragraph (c) of this section.

SEC. 3.8 Application may be made for adjustments. (a) Any dealer or distributor who needs an adjustment in his allowable inventory or any other relief, may apply to the board with which he is registered. The application must be in writing and he must state all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board requests.

(b) A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office. It may attach its recommendation for the action that should be taken. The district office shall send the file to the "Washington Office" for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 3.9 Dealers and distributors may get certificates to replace destroyed, lost or stolen stoves. (a) Any dealer or distributor who had stoves covered by this order which, after August 31, 1943, were destroyed, lost, stolen or taken by operation of law, may apply for certificates to replace them. The application must be made to the board with which his establishment is registered. The application must be in writing and must show:

- (1) The applicant's name and address;
- (2) A list of the stoves, by type, which he wishes to replace; and,
- (3) The manner in which the loss was caused.

He must also give any other information the board may request.

(b) If the board is satisfied that the stoves were destroyed, lost, stolen, or taken by operation of law after August 31, 1943, it shall issue a certificate to him for the number of stoves of each type to be replaced in his establishment. However, a board may not issue any certificate for replacement of stoves if the dealer or distributor does not continue the establishment.

(c) If the applicant gets back any of the stoves covered by the application, he must give back to the board for cancellation either the certificates he received

from the board or certificates received from consumers, for the number and type of stoves he recovered.

SEC. 3.10 Distributors and dealers must keep records. (a) Every dealer and distributor must keep at his principal place of business a copy of his registration on OPA Form R-902 and of any work sheets used by him in taking inventory for registration.

(b) In addition he must keep a record of his acquisitions and transfers of stoves, by type, whether or not he was required to surrender or obtain certificates for them, including invoices received from persons from whom he acquired stoves and duplicates of sales slips showing transfers made by him, and he must also keep a record of all orders for stoves which he places with manufacturers, dealers or distributors.

Article IV—Manufacturers

SEC. 4.1 Explanation of the terms manufacturing establishment and manufacturer. (a) Any place where a "person" makes or assembles any "stoves covered by this order" for sale or "transfer" is a "manufacturing establishment". Any person who has a manufacturing establishment is called a "manufacturer".

SEC. 4.2 Manufacturers must file reports—(a) General. Every manufacturer must file a separate monthly report for each of his manufacturing establishments, on a form to be designated jointly by the Office of Price Administration and the War Production Board. The form must be filled out and submitted in the manner designated on it.

SEC. 4.3 Manufacturer must send in certificates with his monthly report. (a) A manufacturer is required to send with his monthly report certificates equal in number and types to those he received for stoves he transferred for certificates during the month covered by the report. However, he may use certificates received in any month to get back stoves that he transferred if they are returned to him, or to acquire stoves from another person who holds them for transfer.

A manufacturer should not give up at the time he files his report, certificates he received for which he made no transfers.

SEC. 4.4 Manufacturers must keep records. (a) Every manufacturer must keep a record, by types of stoves, showing production, acquisition, and sales. He must also keep a record of acquisitions and transfers for which he was not required to surrender or obtain certificates.

Article V—Issuance and Use of Certificates

SEC. 5.1 How certificates are issued—(a) By whom issued. "Certificates" are issued on OPA Form R-901 by the "Washington Office", a "district office", a "board", or any other "person" authorized by the Office of Price Administration to issue them. Certificates may be issued only to the persons and for the purposes permitted by this order.

(b) *Number and type of stoves must be designated on certificate.* The certificate must show on its face the number of "stoves" and "type" which may be

"acquired" with it, the name of the person for whom it is issued, and must be signed by the appropriate official of the Office of Price Administration. (Where a certificate is issued for a combination stove, it must so state.) In addition, if the certificate is issued to a "consumer", it must show the place where the stove is to be used and, if for a gas heating stove, the heating capacity of the stove.

(c) A certificate which is not filled out in the way required by this section is not good for the acquisition of any stove covered by this order and may not be used or accepted for that purpose.

SEC. 5.2 Certificates are the property of the Office of Price Administration and may be revoked. (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

SEC. 5.3 Endorsement of certificates. (a) A certificate cannot be used until it is signed on the back by the person in whose name it is issued, or by a person authorized to sign for him.

(b) Any "dealer", "distributor", or "manufacturer" must sign his name on the back of a certificate before it can be used by him to acquire stoves.

SEC. 5.4 Combining and splitting up certificates. (a) A board may issue one certificate for two or more certificates, or it may issue two or more certificates for a certificate. The certificates issued must be for the same number and type of stoves designated on the certificates surrendered to the board for exchange. The board shall issue the new certificate in the manner required by section 5.1, and it shall retain in its files the certificates surrendered.

SEC. 5.5 How to replace lost, stolen, destroyed, damaged or mutilated certificates. (a) Any person who has lost a certificate, or whose certificate was stolen or destroyed, or who has a certificate that is damaged or mutilated so that it is unfit for use, may apply to the board serving the area where his establishment is located (or, if he has no establishment, where he lives) for its replacement. The application must be in writing and must state:

- (1) The applicant's name and address;
- (2) A description (to the extent possible) of each certificate sought to be replaced, showing the date of its issuance, the person by whom it was issued, the number and type of stoves designated on its face, and the name of the person to whom it was issued and the place where the stove was to be used;
- (3) How the certificate was lost, stolen, destroyed, damaged, or mutilated; and,
- (4) The efforts made to find or recover the certificate sought to be replaced, if it has been lost or stolen.

In case of an application for replacement of a damaged or mutilated certificate, the certificate sought to be replaced must be submitted at the time the application is made.

(b) The board, if it finds that the certificate for which replacement is sought, has been lost, stolen or destroyed, or that it is damaged or mutilated so that it is unfit for use, may, in its discretion, issue a certificate on OPA Form R-901 to the applicant for the same number and type of stoves.

(c) Whenever a lost, stolen or destroyed certificate which has been replaced under this section is found or recovered, it must be immediately submitted to a board, and it may not be used for any purpose.

SEC. 5.6 Names of persons who have been granted certificates may be posted. (a) A board may post at its office the name and address of any consumer to whom it has issued a certificate under this order.

Article VI—Sales and Transfers of Stoves

SEC. 6.1 Only dealers, distributors and manufacturers may transfer stoves. (a) Except in certain special cases provided in this order, only "dealers", "distributors", and "manufacturers" may sell or otherwise "transfer" "stoves covered by this order".

SEC. 6.2 Stoves may be transferred only for certificates. (a) Stoves covered by this order may be transferred and "acquired" only if the transferee gives up to the seller or transferor "certificates" for the number and "type" of stoves transferred. The certificates must be surrendered at the time stated in the next section. They must be endorsed on the back by the "person" to whom issued and by each person who later uses them to acquire stoves, or by someone authorized to sign for him. (A combination stove may be transferred and acquired if the certificate surrendered is for a combination stove.)

(1) In any case in which the War Production Board limits the installation of a gas heating stove to replace another gas heating stove, only a gas stove having a heating capacity equal to or less than the heating capacity stated on the certificate may be transferred to a "consumer".

SEC. 6.3 When certificates must be surrendered—(a) Consumer contracts; trade contracts made on or after September 1, 1943. Beginning August 24, 1943, a consumer, and beginning September 1, 1943, a dealer, distributor, or manufacturer, must give up a certificate to the transferor of a stove at the time the offer is made or the order is placed for that stove, and the transferor may not accept the offer or order unless it is accompanied by a certificate. The setting aside or ear-marking of a stove, directly or indirectly, is an acceptance of an offer or order within the meaning of this paragraph.

NOTE: A consumer may sell or transfer a stove to another consumer, in which case he must turn over the certificate he obtains to the issuing "board" within ten (10) days after the transfer has been made.

*For convenience, the dealer, distributor, or manufacturer who makes the transfer is sometimes called "the transferor", and the person who acquires the stove is sometimes referred to as "the transferee".

(b) *Trade contracts made before September 1, 1943.* (1) Beginning September 16, 1943, no dealer, distributor, or manufacturer may acquire a stove covered by this order, and no person may transfer a stove to him, under a contract, agreement or other arrangement entered into between them before September 1, 1943, unless a certificate was given up by the transferee to the transferor before September 16, 1943.

(2) If a dealer acquires a stove before September 16, 1943, under a contract, agreement or other arrangement entered into before September 1, 1943, he need not give up, and the transferor need not obtain, the certificate for that stove until September 30, 1943. If a distributor or manufacturer acquires a stove before September 16, 1943, under a contract, agreement or other arrangement entered into before September 1, 1943, he need not give up and the transferor need not obtain, the certificate for that stove until October 7, 1943.

(c) *Transfers between establishments.* If a stove is transferred between establishments operated by the same person, the certificate must be surrendered at or before the time the transfer is made.

SEC. 6.4 Dealers, distributors and manufacturers must acknowledge orders; if unable to deliver must return certificates. (a) Beginning September 1, 1943, every offer made or order given by a dealer, distributor, or manufacturer to buy or otherwise acquire stoves covered by this order must be acknowledged in writing by the person to whom it is made within three days of the date it is received. The acknowledgment must also state the date delivery is expected to be made.

(b) If the offer or order to acquire stoves contains a requested delivery date which the transferor cannot meet, he must return the certificates, or, when requested, send them to any person designated by the person making the offer. If no delivery date is specified the transferor may hold the certificate for a reasonable time and, if the order is not filled, must then send the certificate back unless otherwise directed by the person making the offer.

SEC. 6.5 Dealers, distributors and manufacturers may not discriminate in sale of stoves. (a) No dealer, distributor, or manufacturer may discriminate in the transfer of stoves covered by this order among consumers, dealers, or distributors entitled to acquire stoves in exchange for certificates.

SEC. 6.6 Transfers to or for exempt agency, export or project authorized by government agency are not restricted. (a) Nothing in this article is intended to limit or restrict transfers to or for exempt agencies or to or for persons acquiring stoves for export or for installation in a project authorized by the War Production Board, or the replenishment of stoves transferred to or for such persons by dealers or distributors.

Article VII—Permitted Transfers Without Certificates

SEC. 7.1 Stoves in transit to dealers, distributors and manufacturers on Au-

gust 31, 1943, or to consumers on August 23, 1943. (a) No "certificate" need be surrendered for a delivery of a "stove covered by this order" to, or an "acquisition" of a stove by, a "dealer", "distributor", or "manufacturer" if that stove was in transit to him on August 31, 1943. No certificate need be surrendered for a delivery of a stove to, or an acquisition of a stove by, a "consumer" if that stove was in transit to him on August 23, 1943.

SEC. 7.2 *Stoves may be moved to establishment in whose inventory they are included.* (a) No certificate need be surrendered for a "transfer" of stoves to the establishment in the inventory of which they were included immediately before the transfer.

SEC. 7.3 *Stoves may be stored and returned.* (a) No certificate need be surrendered for a transfer of stoves for storage purposes only, or for the transfer of such stoves back to the "person" who stored them.

SEC. 7.4 *Stolen or lost stoves may be returned.* (a) No certificate need be surrendered for a return of stolen or lost stoves to the person from whom they were stolen or who lost them.

SEC. 7.5 *Stoves may be exchanged for other stoves.* (a) Any person may exchange a stove for another stove of the same "type" with any person, without surrendering a certificate. (This rule applies, of course, only to exchanges of "new" stoves; it applies even if there is a money payment to make up any difference in the money value of the stoves exchanged.) Although a consumer may exchange a gas heating stove for any other gas heating stove, he may not exchange it for one of greater heating capacity than that for which he is eligible in any case where the use of such stove (or the delivery of gas for it) is limited by the War Production Board.

SEC. 7.6 *Security interests in stoves may be created and released.* (a) No certificate need be surrendered for a transfer of stoves, or of any interest in them, for security purposes only. (For example, if stoves are pledged or mortgaged, the person with whom they are pledged or mortgaged need not give up certificates.)

(b) No certificate need be surrendered for a release of a security interest in those stoves, or for a return of those stoves to the person who originally transferred them for security purposes. (For example, a person who pledged stoves may get them back without giving up certificates.)

SEC. 7.7 *Stoves may be transferred for liquidation, by operation of law, or in judicial proceedings—(a) General.* No certificate need be surrendered by a person who acquires stoves for liquidation only. Also, no certificate need be surrendered for a transfer of such stoves by operation of law. (For example, stoves may be taken over by a creditor, receiver or trustee, under a court order without giving up certificates. If such stoves are assigned for the benefit of creditors, the person to whom they are assigned need not give up certificates to the person making the assignment. Also, a person need not give up certificates when he inherits stoves or acquires them by will.)

(b) *How transferee may dispose of stoves.* A person who acquires stoves in the way described in the last paragraph, must, within five (5) days after acquiring them, report to the "district office" serving the place where his principal business office is located (or to the district office serving the area where he lives, if he has no business office):

(1) The quantity of each type of stove acquired;

(2) The name and address of the person from whom they were acquired; and,

(3) The way in which and the date when they were acquired.

He may not use any of the stoves which he acquires unless he surrenders to the district office certificates for the types of stoves to be used. He may, however, sell or transfer them in the same way that a dealer or distributor is permitted to sell or transfer stoves, in which case he must within thirty (30) days surrender to the district office the certificates obtained for the stoves sold or transferred. However, if a person acquires stoves in connection with the acquisition by operation of law of a going business which is to be continued, the provisions of section 9.5 shall apply instead of the provisions of this paragraph.

(c) *Consumer inheritance.* A consumer who acquires a stove covered by this order from another consumer by inheritance or will, may use it without surrendering a certificate.

SEC. 7.8 *Stoves may be acquired by insurers or for salvage—(a) Acquisition of damaged stoves.* Stoves which have been damaged may be transferred to, and acquired by, the following persons, without the surrender of certificates:

(1) A person who has paid or is liable for a claim for the damage done to the stoves, and who is entitled to reimburse himself by taking them over; or,

(2) A person principally engaged in the business of adjusting losses or of reconditioning or selling damaged articles.

(b) *Disposal of the stoves.* The person acquiring the stoves must, within five (5) days after acquiring them, report to the district office serving the area where his principal business office is located (or to the district office serving the area where he lives, if he has no business office):

(1) The quantity of each type of stove acquired;

(2) The name and address of the person from whom they were acquired; and,

(3) The way in which and the date when they were acquired.

If he cannot ascertain the quantity and types of stoves within that period he must describe the approximate number of stoves, by types, and must give detailed information as soon as he can. He may dispose of the stoves which are capable of use as stoves after being repaired only by a sale or a transfer in the same way that a dealer or distributor is permitted to sell or transfer stoves, in which case he must within thirty (30) days surrender to the district office the certificates obtained for the stoves sold or transferred. If he cannot dispose of

them all, he must report to the district office the quantity (by type) not salable.

SEC. 7.9 *Transfer of damaged stoves without certificates.* (a) Any person who has stoves which are damaged and cannot be sold in exchange for certificates may apply to the board serving the area where his establishment is located (or, if he has no establishment, where his principal business office is located) for permission to dispose of such stoves without obtaining certificates. The application must be in writing and must state:

(1) The applicant's name and address;

(2) The number and type of stoves damaged;

(3) The reason the stoves are in damaged condition, and the nature of the damage; and,

(4) The reasons why the stoves cannot be sold in exchange for certificates.

(b) If the board finds that the stoves have been damaged by accidental means and cannot be sold in exchange for certificates it may grant permission, in writing, to the applicant to dispose of the stoves described in the application without the obtaining of certificates. The board shall send to the district office for its files, a copy of the written permission granted.

SEC. 7.10 *Stoves may be transferred in connection with transfer of a business.*

(a) No certificates need be surrendered for a sale or transfer of stoves which are in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who buys or acquires such stoves may not use them, but may hold them only for transfer. (The procedure which must be followed, when an establishment is transferred for continued operation, is covered in Article IX.)

(b) No certificate need be surrendered for the transfer of a stove in connection with a transfer of premises on which the stove is located.

Article VIII—Records, Reports and Inspections

SEC. 8.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep.

SEC. 8.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 8.3 *Places where stoves are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where a "dealer", "distributor", or "manufac-

turer" makes or keeps "stoves covered by this order".

SEC. 8.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 8.5 *Office of Price Administration may require applicants to give information.* (a) The "Washington Office", a "board", a "district office" or a regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for deciding his case.

Article IX—Sale of Business and Opening or Closing of Business

SEC. 9.1 *Transfer of a continuing business.* (a) When any "person" sells or "transfers" to any other person his "dealer establishment" or "distributor establishment" for continued operation by the person who "acquires" it, the person transferring the business shall give to the person acquiring it his registration form and all "certificates" that he has at the time the business is sold. (The certificates must be signed by the person transferring the business.)

(b) Within five (5) days after the transfer, the person acquiring the business must file an application on OPA Form R-902 for registration as a "dealer" or "distributor". At the time of the filing, he must, if his "registered inventory" equals the "allowable inventory" for each type of stove of the business being acquired, endorse the registration form of the person transferring the business and surrender it to the board. However, if the registered inventory does not equal the allowable inventory for each type of stove, the person acquiring the business should not endorse the registration form, but should report the discrepancy to the board in writing. (Section 3.5 explains how registered inventory is figured.)

SEC. 9.2 *Movement of an establishment from one place to another place by the same person.* (a) A person who wishes to move his dealer or distributor establishment to another place must treat his moving as the closing of an establishment and the opening of a new establishment unless he applies for and is granted permission to continue his operations at the new place. The application must be made to the board with which his establishment is registered and must, in addition to showing the new address, state, in writing, whether:

(1) The business, including the inventory of stoves, will be moved to the new place;

(2) He will continue to serve, from the new place, the same general class of customers and the same area served by the establishment at its present place; and,

(3) The business will continue to be operated in substantially the same manner as it is operated at the present place.

(b) The application will be sent by the board to the "district office", together with any recommendation the board may wish to make. If the district office is satisfied that the conditions described in paragraph (a) will be met, it shall grant permission to the applicant to continue operations at the new place of business.

SEC. 9.3 *New business.* (a) A person who opens a dealer or distributor establishment after July 1, 1943, must file an application on OPA Form R-902 for registration as a dealer or distributor with the board serving the area where the establishment is or will be located, in the same way that dealers and distributors register under Article III. He must give all information called for by the form. In addition, the applicant must show, in writing:

(1) The proposed name and address of the establishment; and,

(2) The type and size of business he expects to have.

(b) The board must send a copy of the application, together with the applicant's statement and any other information it has received, to the district office. It may attach its recommendation as to the action that should be taken upon the application and the amount, if any, of allowable inventory that should be authorized. The district office shall send the file to the "Washington Office" which will refer it to the War Production Board. If the War Production Board approves the application, the Washington Office (or the district office, if the Washington Office so directs) will determine the allowable inventory. The original registration form as approved by the board will then be mailed to the applicant.

SEC. 9.4 *Closing of business.* (a) Any dealer or distributor who closes an establishment must notify the board with which the establishment is registered. The notice must be in writing and must be given to the board within five (5) days after the business is closed. It must show:

(1) The name and address of the establishment; and,

(2) The number of stoves, by type, represented by certificates he had at that time.

(b) At the time the notice is given he must deliver to the board his registration form and account to it for the number of stoves of each type which his allowable inventory permits him to have. If he has any certificates he must turn them over to the board; if he has stoves of any type covered by this order which have not been disposed of at the time he files his notice, he must account for them by turning over to the board certificates which he obtains when they are transferred.

SEC. 9.5 *Acquisition of a business by will or by operation of law.* (a) Any person who acquires a dealer or distributor establishment by operation of law must within twenty (20) days of its acquisition register the establishment.

Registration shall be made in the manner required by Article III, except that only the actual inventory shall be taken as of the date of registration (since certificates are not transferred by operation of law). Accordingly, the board shall issue certificates to him in the amount, if any, by which the allowable inventory of his predecessor for any type of stove exceeds the actual inventory for that type.

(b) A dealer or distributor (or his representative) whose establishment is transferred by operation of law, must turn over to the board with which the establishment is registered the registration form and certificates received for stoves which have been transferred. He must also account to the board for certificates which he has accepted for stoves not yet transferred.

Article X—Miscellaneous Rules and Prohibitions

SEC. 10.1 *Additional prohibitions.* (a) No "person" may use a "certificate" unless he has received it in a way permitted by this order.

(b) No person may "transfer", "acquire", use or possess "stoves covered by this order", except in a way permitted by this order or by an applicable order of an agency of the United States.

(c) No person may give or otherwise transfer, or obtain or otherwise acquire, or use a certificate except in a way permitted by this order.

(d) No person may transfer any stove for a certificate, if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person may have a certificate in his possession except the person (or agent of the person) who issues it, or to whom it was issued, or by whom it was acquired in a way permitted by this order.

(f) No person may counterfeit, forge, deface, or mutilate any certificate. A counterfeited, forged, defaced or mutilated certificate is not valid for transfer, and no person may acquire, possess or use such certificate.

(g) No person may alter or destroy any certificate, nor use any altered certificate, except where permitted by this or any other order of the Office of Price Administration.

(h) No person may transfer a stove in violation of any applicable order of an agency of the United States.

(i) No person may offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

(j) Paragraphs (b), (c), (e), (f), (g), and (h) of this section do not apply to public officials who do any of those acts in the performance of public duties, or to persons complying with orders or directions of such officials.

(k) No person may in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(1) No person may, after demand, withhold a certificate from a person who is entitled to have it.

SEC. 10.2 *Certificates may not be taken by legal process or acquired by will.* (a) No certificate, or any interest in it, may be taken or seized by judicial process or any court order. However, a person who is entitled to possession of a certificate may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No certificate, or interest in it, may be transferred or acquired by operation of law.

SEC. 10.3 *Office of Price Administration must be notified of legal proceedings.* (a) Any person who has a certificate must notify the "district office" of the Office of Price Administration immediately after the beginning of legal proceeding involving that certificate.

Article XI—Suspension Orders

SEC. 11.1 *Office of Price Administration may issue suspension orders.* (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving, delivering, selling or using any "stoves covered by this order" or other rationed product or facility for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest. Proceedings for suspension orders shall be begun and carried on as provided in Procedural Regulation No. 4.

Article XII—Appeals

SEC. 12.1 *Persons directly affected by action taken under this order may appeal.* (a) Any "person" directly affected by the action of a "board", "district office", or regional administrator, on any application or other matter may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under section 3.8 or 9.3.

Article XIII—Definitions

SEC. 13.1 *Definitions.* (a) When used in this Ration Order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

(2) "Allowable inventory" means the operating inventory of a "dealer" or "distributor", stated in the number of "stoves" by specific "types" assigned to him by the Office of Price Administration after he registers.

(3) "Board" means a war price and rationing board established by the Office of Price Administration.

(4) "Certificate" means a certificate on Form OPA R-901.

(5) "Consumer" means any "person" (other than an exempt agency, or a person acquiring a stove for export or for installation in a project authorized by the War Production Board) who needs or has acquired a "new" stove for any use. It also includes any person who uses a new stove which he holds for sale or other transfer.

(6) "Dealer" means any person who has a "dealer establishment".

(7) "Dealer establishment" means any place where a person regularly buys and sells stoves covered by this order if the sales or other transfers from that place are made primarily to consumers.

(8) "Distributor" means any person who has a "distributor establishment".

(9) "Distributor establishment" means any place where a person regularly buys and sells stoves covered by this order if the sales or other transfers from that place are made primarily to persons other than consumers, or primarily to supply one's own establishments. However, if a place is used by a person to keep stoves covered by this order just to supply his own establishments, that place is a distributor establishment only if it supplies:

(i) At least two of his distributor establishments; or,

(ii) At least three of his dealer establishments.

(10) "District office" means a district office established by the Office of Price Administration.

(11) "Emergency oil shortage area" means that area described in Ration Order No. 11 as the limitation area, other than the states of Georgia, Oregon, Washington, and the parts of Florida and Idaho covered by that order.

(12) "Manufacturer" means any person who has a "manufacturing establishment".

(13) "Manufacturing establishment" means a place where a person makes or assembles any of the types of stoves covered by this order for sale or transfer.

(14) "New", as applied to stoves, means any stove which has not been sold or transferred to a consumer or any stove which has been transferred to a consumer but which has been in use for not more than sixty (60) days.

(15) "Person" means any individual, partnership, corporation, association, business trust, or any government, agency of a government, or any other organized group or enterprise.

(16) "Registered inventory" means the total of the number of stoves of a type that a dealer or distributor has as inventory for his establishment at the close of business on August 31, 1943, (wherever the stoves are located, including stoves in transit to him for that establishment but excluding stoves held for delivery to a person under a priority order of an agency of the United States), and the number of stoves of the same type which were transferred from his establishment and are represented by certificates on OPA Form R-901 or by a right of replenishment under a priority order of an agency of the United States, which he has at the close of business on that date. If registration is made after September 3, 1943, registered inventory shall be figured as of the date of registration.

(17) "Stove" or "stove covered by this order" means any "new" heating stove or equipment designed for household use and for installation on or above the floor and for heating adjacent space without the use of connecting pipes or ducts, or any new cooking stove or equipment de-

signed for household cooking use, of the following "types":

(i) A coal or wood heating stove designed to use coal or wood as a fuel;

(ii) An oil heating stove designed to use oil, kerosene or gasoline as a fuel;

(iii) A gas heating stove designed to use natural, manufactured or liquefied petroleum gas (including bottled gas) as a fuel;

(iv) A coal or wood cooking stove designed to use coal or wood as a fuel;

(v) An oil cooking stove designed to use oil, kerosene or gasoline as a fuel;

(vi) A gas cooking stove designed to use natural, manufactured or liquefied petroleum gas (including bottled gas) as a fuel; and,

(vii) A conversion burner, which is a unit designed for the conversion of heating or cooking stoves from the use of a fuel other than oil to the use of oil as a fuel.

The term includes a combination heating and cooking stove, a radiant heater, a sheet-metal stove with grates or with a cast-iron base or lining, and a portable oil stove. It does not include a water heater, a coal or wood laundry stove having a built-in water jacket or coil, a wick lamp cooking stove, a gas hot-plate, a gas laundry stove, or a gasoline camp stove.

(18) "Transfer" means to sell, give, exchange, lease, lend, deliver, consign, supply or furnish. It includes any transfer of possession, or of title by operation of law or otherwise, however accomplished, any movement of goods by a person from one to another of his establishments, and the use by any person of any stove which he acquired for sale or transfer. Delivery to a carrier for shipment or by a carrier in the course of or in completion of shipment is not regarded as a transfer to or by the carrier. However, if a stove was delivered to a consumer before August 24, 1943, or to any other person before September 1, 1943, the transfer to such person of title to the stove after that date is not regarded as a transfer within the meaning of this order.

(19) "Type", as applied to a stove, means any of the seven types of "stoves" defined in paragraph (17).

(20) "Washington Office" means the national headquarters of the Office of Price Administration in Washington, D. C.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular and words in the masculine gender shall include the feminine and neuter.

Effective date. This ration order shall become effective at 12:01 a. m. on August 24, 1943.

NOTE.—All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13574; Filed, August 19, 1943; 3:01 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1, Amdt. 23]

PRECIOUS STONES AND THEIR MOUNTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Paragraph (f) of section 2.12 of Revised Supplementary Regulation No. 1 is amended to read as follows:

(f) *Precious stones and mountings into which precious stones are set.* The term "precious stones" means any ruby, sapphire, emerald, natural pearl or any diamond (other than an industrial diamond) or any semi-precious stone after sale by the cutter, when the cutter has received more than \$100 for the sale of the stone. Synthetic stones and cultured pearls shall not be deemed "precious stones."

This amendment shall become effective on the 25th day of August 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13568; Filed, August 19, 1943;
3:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 19]

PAN BREAD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1.19 is amended to read as follows:

1. The headnote of section 1.19 is revised and amended to read as follows:

Sec. 1.19. *Maximum prices for sales of pan bread in specified areas; discontinuance of discounts and premiums permissible in connection with sales of any variety of bread or rolls.*

2. Section 1.19 (a) is amended to read as follows:

(a) *Maximum prices.* The maximum price for sales of pan bread in the areas described below shall be the maximum price determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation, or the maximum prices specified below:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754, 9025, 9218, 9016, 9219, 10304.

Areas	Net weight per loaf	Sales at whole-sale	Sales at retail	Sales at retail by chain store private label
In the state of Utah, in Fargo, North Dakota, and Moorhead, Minnesota.	16 to 18 oz.----- 19 to 22 oz.----- 24 to 27 oz.-----	Cents 7½ 9 10	Cents 8½ 11 12	Cents 7½ 9 10
In the District of Columbia.	15 to 17 oz.----- 31 to 33 oz.-----	7 14	8 11	7 9
In Dallas, Tex.	23 to 25 oz.-----	9	11	9
In Santa Barbara County, Calif.	23 to 25 oz.-----	9	11	9

3. Section 1.19 (d) is added to read as follows:

(d) *Discontinuance of discounts permissible.* Henceforth, it shall be permissible for any seller of any variety of bread or rolls to discontinue at any time hereafter any discount to retail outlets from his standard wholesale list price previously given by him in connection with his sales of said variety of bread or rolls except as otherwise prohibited by state law.

This amendment shall become effective August 25, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13569; Filed, August 19, 1943;
3:04 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 452]

MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable, will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and are necessary to adjust the provisions of the General Maximum Price Regulation¹ and Maximum Price Regulation No. 136,² as amended, to the particular circumstances of manufacturers of automotive parts. So far as practicable the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation. A statement of the considerations involved in its issuance has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Such specifications and standards as are used in this regulation were, prior

¹ 8 F.R. 3096, 3849, 4347, 4486, 4774, 4978, 4848, 6047, 6962, 8511, 9025.

² 7 F.R. 5047.

to such use, in general use in the trade or industry affected.

§ 1360.1 *Maximum prices for automotive parts.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 452 (Manufacturers' Maximum Prices for Automotive Parts), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1360.1 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 452—MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

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12. Procedure for establishing new maximum non-list prices.
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Article I—Scope of Regulation and Prohibition

SECTION 1. *To what transactions, persons, commodities, and geographical area this regulation applies—(a) Transactions.* This regulation covers all sales

by manufacturers of new and rebuilt automotive parts.

(b) *Persons.* This regulation applies to all persons who are manufacturers of and also sell the automotive parts subject to this regulation, and to all persons who purchase such parts from manufacturers in the course of trade or business.

(1) *Manufacturer.* "Manufacturer" as used in this regulation means a regular producer of new automotive parts (as defined in Section 21), a rebuilder of used automotive parts, or any person who sells parts under his own trade name.

(c) *Commodities.* This regulation covers all new and rebuilt automotive parts.

(1) *Automotive parts.* "Automotive parts" (called parts in this regulation) for the purpose of this regulation mean all engine parts, body parts, chassis parts, motors, electrical equipment and wheels, and all other component parts and subassemblies, of automobiles, trucks, busses, trailers, semi-trailers, and motorcycles and also include all accessories and optional, extra and special equipment designed for use on, or with, motor vehicles, and unfinished parts and accessories and components thereof, when in such form as to permit their use only as automotive parts, but do not mean any service or maintenance accessories such as anti-freeze, body polish, tools, etc., or tires, tubes, storage batteries, glass, or any parts, subassemblies or accessories specially designed for use in vehicles built primarily for military purposes, although parts, subassemblies or accessories originally designed for use in private or commercial motor vehicles but which are used both in military and private or commercial motor vehicles are considered as automotive parts. Illustrative lists of parts covered by this regulation and parts not covered by this regulation are attached as Appendices A and B.

(d) *Geographical area.* This regulation applies to the 48 states of the United States and the District of Columbia, but not to the territories and possessions of the United States.

Sec. 2. *Relation of this regulation to other regulations.*—(a) *In general.* The transactions, persons, and commodities subject to this Maximum Price Regulation No. 452, on and after its effective date, shall not be subject to the General Maximum Price Regulation or Maximum Price Regulation No. 136, as amended, or any other regulation issued by the Office of Price Administration insofar as this Maximum Price Regulation No. 452 affects such transactions, persons, or commodities except as provided in paragraphs (b) and (c).

(b) *Sales for export.* The maximum price for sales for export of parts shall be determined in accordance with the provisions of the Second Revised Export Price Regulation.³

(c) *Imports.* The provisions of this regulation do not apply to the sale, purchase or delivery of a part which is not manufactured in, but is imported into, the continental United States or the Dis-

trict of Columbia. Such a sale, purchase, or delivery is governed by the provisions of the General Maximum Price Regulation and especially Revised Supplementary Regulation No. 12.

(d) *Mechanical rubber goods.* This regulation shall not apply to mechanical rubber goods when both produced and sold by manufacturers of mechanical rubber goods as defined in section 1315.31 of Maximum Price Regulation No. 149—Mechanical Rubber Goods.

Sec. 3. *Prohibition against dealing in parts at prices above the maximum.* On and after September 2, 1943, regardless of any contract or other obligation,

(a) No manufacturer shall sell or deliver a part at a price higher than the maximum price permitted by this regulation;

(b) No person in the course of trade or business shall buy or receive a part from a manufacturer at a price higher than the maximum price permitted by this regulation, but if he, the purchaser, has received from the manufacturer a statement that the price charged is not in excess of the maximum price and he has no knowledge to the contrary, he shall be deemed to have complied with this paragraph (b);

(c) No person shall agree, offer, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

(d) Nothing in this regulation shall prevent the fulfillment of contracts entered into before September 2, 1943, for the sale of parts by manufacturers at prices not exceeding the maximum prices established by Maximum Price Regulation No. 136, as amended, prior to September 2, 1943.

Sec. 4. *Less than maximum prices.* Nothing in this regulation prevents the charging or paying of prices lower than the maximum prices established by this regulation.

Article II—Maximum Prices

Sec. 5. *Division of sales into those at list prices and those at non-list prices for the purpose of establishing maximum prices.* This regulation divides sales into two kinds:

(a) *Sales of parts at list prices.*—(1) *List price.* "List price" as used in this regulation means the price which may be derived from a price list or price sheet issued to the trade by a manufacturer for his sale of a part, or a price which may be quoted by the manufacturer under a method of quoting prices without further cost estimates from information he has available describing the types of parts and the method of calculation of prices. When a list price is named in this regulation as the maximum price to a purchaser, it means the price adjusted for all applicable extra charges, discounts, or allowances for sales to a purchaser of the same class.

(b) *Sales of parts at non-list prices.*—(1) *Non-list price.* "Non-list price" as used in this regulation means any price or price basis other than a list price at which a manufacturer sells a part to any class of purchaser.

Sec. 6. *Maximum prices for sales of new and rebuilt parts at list prices.*—(a)

Determination of maximum price in accordance with previous price list. This section sets maximum prices for sales by a manufacturer who

(1) Had a list price for the part being priced in effect on March 31, 1942;

(2) Placed a list price authorized by the Office of Price Administration in effect subsequent to March 31, 1942; or

(3) Has established a list price in accordance with paragraph (b) of this section.

The maximum price which such a manufacturer may charge for a part is the most recent of the list prices described in (1), (2), and (3).

(b) *Conditions requiring and permitting establishment of new list prices.*—

(1) *When new list prices must be established.* (i) A new list price must be established in accordance with Section 9 when a specification change or material substitution made in a part for which a list price is the maximum price reduces the factory costs of such a part by 10% or more. The new list price must be established within three months from the date the specification change or material substitution is made.

(ii) A new list price must be established in accordance with Section 9 for a part for which a new list price has previously been established pursuant to this paragraph (b) whenever factory costs for a part fall below the estimated factory costs upon which the previous new list price was based by 10% or more as a result of any or all of the following causes:

(a) Inaccuracy in the estimate of labor hours or material quantities;

(b) Inaccuracy in the estimate of charges for subcontracted services, and

(c) Performance by the manufacturer of work previously done by a subcontractor.

The new list price must be established within three months from the date upon which the conditions requiring the new list price first existed.

(iii) A new list price must be established when there is offered for sale a part for which a list price was not in effect between March 31, 1942, and the time of offering it for sale, but for which a list price was in effect and withdrawn during the period January 1, 1932, to March 31, 1942. The new list price shall be established within thirty days from the date the part is offered for sale either in accordance with section 9 or by adopting a price no higher than the highest list price in effect during the period January 1, 1932, to March 31, 1942, as the new list price.

(iv) A manufacturer may be exempted from the necessity of establishing a new list price as required by this subparagraph (1) when the part is produced by a special run to fill a small non-recurrent order or there is some other reason why the special run is not likely to be repeated. In lieu of establishing a new list price he may be authorized to use a list price previously in effect and withdrawn or a new non-list price determined in accordance with section 12. The procedure to be followed in requesting this exemption is stated in section 11.

³ 8 F.R. 4182, 5987, 7662.

(2) When new list prices may be established. A new list price may be established in accordance with section 9 when:

(i) The factory costs of a part, for which a list price is the maximum price, has been increased by 10% or more as a result of a specification change or a material substitution; or

(ii) Factory costs of a part, for which a list price is the maximum price, are higher than the estimated factory costs upon which the previous new list price was based by 10% or more as a result of any or all of the following causes:

(a) Inaccuracy in the estimate of labor hours or material quantities;

(b) Inaccuracy in the estimate of charges for subcontracted services; and

(c) Performance by the manufacturer of work previously done by a subcontractor.

(iii) The part had no list price in effect on March 31, 1942, and no authorized list price (as defined in section 21) in effect subsequent to that date but its manufacturer had such a list price for other parts. In such a case, the manufacturer may establish a list price for the part for which there was no list price.

(c) List prices to be furnished to Office of Price Administration. The manufacturer shall furnish to the Office of Price Administration, Washington, D. C., to the extent it has not already done so, catalogs, price lists, and discount sheets, containing list prices which are established as maximum prices by this section. A rebuilder of used parts shall furnish these data to the nearest regional office of the Office of Price Administration.

SEC. 7. Maximum prices for sales of new and rebuilt parts at non-list prices—

(a) In general. The maximum price a manufacturer may charge for the sale of a part for which he cannot establish a maximum price in accordance with section 6 or for which he has not established a maximum price in accordance with that section although permitted, but not required, to do so, shall be the non-list price determined in accordance with section 12. That price shall be his maximum price for all future sales until changed in accordance with paragraph (b) or (c).

(b) When a new non-list price must be established. (1) A new non-list price must be established in accordance with section 12 when a specification change or a material substitution made in a part for which a non-list price is the maximum price reduces the factory costs of such a part by 10% or more. The new non-list price must be established within three months from the date the specification change or material substitution is made.

(2) A new non-list price must be established in accordance with section 12 for a part for which a new non-list price has previously been established whenever factory costs for the part fall below the estimated factory costs upon which the new non-list price was based by 10% or more as a result of any or all of the following causes:

(i) Inaccuracy in the estimate of labor hours or material quantities;

(ii) Inaccuracy in the estimate of charges for subcontracted services; and

(iii) Performance by the manufacturer of work previously done by a subcontractor.

(c) When a new non-list price may be established. A new non-list price may be established in accordance with section 12 when:

(1) The factory costs of a part, for which a non-list price is the maximum price, has been increased by 10% or more as a result of a specification change or a material substitution; or

(2) Factory costs of a part, for which a non-list price is the maximum price, are higher than the estimated factory costs upon which the previous new non-list price was based by 10% or more as a result of any or all of the following causes:

(i) Inaccuracy in the estimate of labor hours or material quantities;

(ii) Inaccuracy in the estimate of charges for subcontracted services; and

(iii) Performance by the manufacturer of work previously done by a subcontractor.

SEC. 8. Maximum prices for sales of new and rebuilt parts which cannot be priced under section 6 or 7. Where a manufacturer cannot establish a maximum price for a part in accordance with section 6 or 7 because he is producing it in a new or converted plant or because he was not engaged as a manufacturer as defined in this regulation during a period which permits him to establish a price under section 6 or 7, or for any other reason, he shall determine the maximum price for such part in accordance with section 14.

Article III—Methods for Establishing and Reporting Maximum Prices

SEC. 9. Procedure for establishing new list prices—(a) Determining a new list price. A new list price for a part shall be a price not in excess of the sum of the manufacturer's costs for the part determined in accordance with section 13, plus the following:

(1) A percentage markup not in excess of the percentage markup he included in the price for the same part on March 31, 1942; or

(2) Where he did not sell or offer for sale the same part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price on March 31, 1942, for the similar part (as defined in Section 21) most nearly like it; or

(3) Where he did not sell or offer for sale the same or a similar part on March 31, 1942, a percentage markup not in excess of the percentage markup he included on March 31, 1942, in the price for the part of the same type having the closest total costs to the part being priced. Examples of types for the purpose of this paragraph are engine parts, carburetor parts, electrical parts, etc.

To this price the manufacturer must apply the same differentials, discounts, allowances, rebates, and deductions which he had in effect on March 31, 1942, or which he applied to a list price he placed in effect subsequent to March 31,

1942, with Office of Price Administration approval, for the same class of purchaser.

(b) Determining of applicable resale list prices. If the manufacturer had a suggested resale list price for a part in effect on or after March 31, 1942, any new list prices established in accordance with this section shall include applicable suggested resale list prices.

(c) Notice to Office of Price Administration of new list prices. After a manufacturer has determined a new list price in accordance with paragraph (a) above for one or more parts, he shall file a report with the Office of Price Administration, Washington, D. C., except where it is a new list price for a rebuilt part, he shall file it with the nearest regional office of the Office of Price Administration. This report shall be signed by him, or a responsible official, and contain the following information for each part:

(1) Description of the part and its number or other designation.

(2) The new list prices and the previous list prices, if any, for each class of purchaser.

(3) The newly determined unit costs and the unit costs included in the previous list prices, if available.

(4) If not previously filed, all the other factors used in determining new list prices such as markup, discounts, differentials, freight and other allowances and other price determining factors.

(5) A statement that the new list prices were determined in accordance with section 9 (a) and that the unit costs included in such prices were determined in accordance with section 13.

(d) Action by the Office of Price Administration. The new list prices set forth in reports filed in accordance with paragraph (c) shall become maximum prices if approved by the Office of Price Administration, or if not disapproved by that agency within thirty days after the receipt of the reports. If the Office of Price Administration shall later determine that such prices were not computed in accordance with the requirements of sections 6, 9, and 13, they may at that time be disapproved, but such disapproval shall not be retroactive as to any deliveries completed prior to the date of the disapproval. If any price is disapproved because in some respect it is not determined in accordance with these sections, the manufacturer shall recompute the new list price in accordance with these sections and the suggestions contained in the notice of disapproval, and report the revised list price in accordance with paragraph (c) above.

(e) When the new list prices may be charged. Upon the mailing of the reports in accordance with paragraph (c) above, the new list prices contained in such reports may be charged but no payment may be accepted until these prices either are approved in writing by the Office of Price Administration, or when the new list prices are neither approved nor disapproved, until thirty days have elapsed from the date the reports are received by the Office of Price Administration. When the new list prices are approved in writing or are not disapproved within the thirty day period,

payment at the new list prices for deliveries prior to the approval or to the end of the thirty day period, as well as for all deliveries thereafter, may be accepted.

Sec. 10. Notice to purchasers of maximum resale list prices—(a) Furnishing of suggested resale price lists. A manufacturer whose maximum prices are the list prices which he had in effect on March 31, 1942, and who had suggested resale list prices in effect on that date shall furnish to his customers, to the extent that they do not already have the same, copies of the catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer whose maximum prices are list prices placed in effect after March 31, 1942, with the authorization of the Office of Price Administration, or list prices established in accordance with Section 9, and who also placed suggested resale list prices in effect at the time of establishing his own selling prices, shall furnish to his customers, to the extent that they do not already have the same, copies of the catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer need not furnish to a certain class of customers material that does not concern that class. Resale price lists of the type described in this paragraph are called "approved resale price lists" in paragraphs (b) and (c).

(b) Statements to be furnished to a customer by a manufacturer having a suggested resale price list in effect. A manufacturer having in effect an approved resale price list (of a type described in paragraph (a)) shall furnish to all customers a copy of the following statement, signed by him or a responsible official:

The suggested resale prices, discounts and allowances in our catalog(s), price list(s), and discount sheet(s) in effect on _____ are established as maximum resale prices in accordance with Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Resale Prices for Automotive Parts) and with the Office of Price Administration approval. Higher prices may not be charged.

A sample copy of the statement issued by the manufacturer should be forwarded to the Office of Price Administration, Washington, D. C. A rebuilder of used parts, however, should furnish the sample copy to the nearest regional office of the Office of Price Administration.

(c) Notice on invoices. On all invoices for parts named in an approved resale price list (of a type described in paragraph (a)), the manufacturer shall state:

Maximum resale prices for the parts named in this invoice are the prices named in our resale price list.

(d) When notice shall be given to customers. Manufacturers shall act as required in paragraphs (a), (b), and (c) as soon as practicable, but not later than September 2, 1943 with regard to price lists in effect before the effective date of this regulation. Such action shall not be taken regarding a list price established after the effective date of the regulation until the new list price has been approved in writing or thirty days have elapsed from the date the report regard-

ing it is received by the Office of Price Administration when the report is neither approved nor disapproved in writing.

Sec. 11. Procedure for obtaining exemption from requirement of establishing new maximum list prices. The manufacturer who seeks an exemption from the requirements of establishing a new list price as required by section 6 (b) should request this exemption from the Office of Price Administration, Washington, D. C., with the exception that a rebuilder of used parts should make this request to the nearest regional office of the Office of Price Administration. In his request he should include a showing that the order for the part is small and non-recurrent or other reasons why neither the order nor the special run is likely to be repeated. He shall also include in his request his list price or a non-list price computed in accordance with section 12. Upon the mailing of his request, he may charge his previously established list price or non-list price, but he must not accept payment until he is either notified in writing that his request has been approved or thirty days have elapsed from the date the request is received by the Office of Price Administration without any notification of disapproval. If the request is approved, or is not disapproved, within the thirty day period, the manufacturer may then accept payment at the proposed price for deliveries made prior to approval or the end of the thirty day period and for all deliveries made thereafter. If the request is disapproved the manufacturer shall establish a new list price in accordance with section 9.

Sec. 12. Procedure for establishing new maximum non-list prices—(a) Determining new non-list prices. A new non-list price shall be a price not in excess of the manufacturer's cost for the part determined in accordance with section 13, plus the following:

(1) A percentage markup not in excess of the percentage markup he included in the price for the part on March 31, 1942; or

(2) Where he did not sell or offer for sale the same part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price for the similar part (as defined in section 21) most nearly like it; or

(3) Where he did not sell or offer for sale the same or a similar part on March 31, 1942, a percentage markup not in excess of the percentage markup he included in the price for the part of the same type having the closest total costs to the part being priced. Examples of types for the purpose of this paragraph are engine parts, carburetor parts, electrical parts, etc.

To this price the manufacturer must apply the same differentials, discounts, allowances, rebates, and deductions which he had in effect on March 31, 1942, or which he applied to a list price he placed in effect subsequent to March 31, 1942, with Office of Price Administration approval, for the same class of purchaser.

(b) Notifying Office of Price Administration when price computed under par-

agraph (a) is higher than price previously charged subsequent to March 31, 1942. If the non-list price of any part determined under paragraph (a) is higher than the price previously charged subsequent to March 31, 1942, the manufacturer shall file with the Office of Price Administration, Washington, D. C., or in the case of a rebuilder of used parts with the nearest regional office of the Office of Price Administration, within ten days after making any sale or delivery at such an increased price a report containing the following:

(1) A description of the part, its number or other identification.

(2) The price on its sale prior to its sale at the increased price.

(3) The new non-list price.

(4) A statement that the new non-list price was determined in accordance with paragraph (a) above, and section 13.

(5) An explanation of the price increase.

When a price is reported to the Office of Price Administration in accordance with this paragraph, the manufacturer is not required to report subsequent sales or deliveries at the same or a lower non-list price.

Sec. 13. Procedure for determining costs to be used by manufacturer in determining new maximum list or new maximum non-list prices. When costs must be determined by a manufacturer in connection with a price determining method which must be followed in determining list or non-list prices in accordance with the provisions of this regulation, except where the determining of costs for the manufacturing of a part in a new or converted plant requires the procedure stated in section 14, the following cost determining method shall be followed:

(a) Determination of costs when manufacturer is a producer. When the manufacturer is a producer he shall use the same cost determining method he used on March 31, 1942.

(1) To the extent that the cost determining method includes or is based on direct labor costs, the producer shall use labor rates in effect on March 31, 1942.

(i) "Labor rates in effect on March 31, 1942" are the labor rates prevailing on that date in the producer's plant for each classification of labor. If the producer employs labor of a particular classification not employed in such plant on March 31, 1942, he shall apply the rate prevailing on that date for such classification in the locality in which the manufacturing is to be performed. If labor of such classification was not employed on March 31, 1942, in such locality, the producer shall apply the rate prevailing on that date for the nearest skill in the nearest comparable locality, as accurately as he is able to determine the same by reasonably diligent inquiry.

(ii) The permitted labor cost to be used in the pricing formula provided in this paragraph (a) is to be determined by applying to the clock hours of each classification of labor estimated to be required on the basis of previous production experience, or, where an estimate is not used, to the clock hours actually re-

quired, the hourly rate for such classification in effect on March 31, 1942. If on March 31, 1942, an average rate was used, an average rate may be applied if the labor rates and the method of computing the average in effect on March 31, 1942, are used. If individuals have been or are promoted from one classification to another because of increased efficiency, the higher rates may be used.

(iii) The amount of overtime (estimated, if necessary) required to be used in excess of that provided for in the overhead or machine hour rate may be added to the cost of labor. In no event shall any markup, overhead, or profit be applied to that part of the labor cost which is in excess of the straight-time cost, except that no adjustment of the overhead or the machine hour rates in effect on March 31, 1942, shall be required.

(2) To the extent that the cost determining method includes or is based on prices paid for materials, the manufacturer shall use the prices which the manufacturer's supplier had in effect to him or his class of purchaser on March 31, 1942, or if the supplier did not have a price in effect on that date for a certain commodity, the price he first had in effect after that date. However, if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer, such lower price shall govern. The manufacturer's supplier shall be

(i) His March 31, 1942, supplier of the material; or

(ii) Lacking a March 31, 1942, supplier of the material, his most recent supplier of the material. If neither of these exists, it shall be his proposed supplier.

For the purposes of this subparagraph (2), if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the statement, the price as stated by the seller shall be deemed not to be in excess of the maximum price established by the Office of Price Administration for that material. The price the manufacturer shall use for material composed in whole or in part of silver shall be the current price not to exceed the applicable maximum price. The term "material prices" includes the prices for raw materials or products which have been processed or fabricated to any degree. However, costs for automotive parts defined in section 1 (c) (1) shall be the applicable prices established by this regulation.

(3) To the extent that the cost determining method includes or is based on prices paid for subcontracted services, whether machinery services or otherwise, or perishable tools, dies, molds, patterns, or work-holding devices, the manufacturer shall use the actual prices paid or the prices to be paid, which are estimated by his supplier if he has no reason to believe that these prices exceed the applicable maximum prices. If a price estimated by a supplier is not available, the manufacturer shall use his

own estimate of the price to be paid which he has no reason to believe exceeds the applicable maximum price.

(4) To the extent that the cost determining method includes freight rates paid, the producer shall use freight rates in effect on March 31, 1942, or current actual freight rates, whichever are lower, for the mode of transportation actually used.

(b) *Determination of costs when manufacturer is not a producer.* When the manufacturer is not a producer of the part he sells, he shall determine his costs by dividing the amount of the invoiced charges, including freight-in, for the units of the part he purchased during the three months preceding the date he determines his costs by the number of units of the part he purchased during the same three months' period and which are included on the same invoices. The result obtained from this division shall be the costs to be included in the pricing method of either section 9 or section 12 by the manufacturer who does not produce the part he sells. If the manufacturer did not make any purchase or a representative number of purchases during the three months immediately preceding the date these costs are determined, he shall use the invoiced charges to him, including freight-in, for the three months' period closest to the date he determines these costs in which he made a representative number of purchases.

(c) *Determination of costs when manufacturer produces some of the units and purchases the remainder of the units of the part he sells.* When the manufacturer produces some of the units and purchases the remainder of the units of a part he sells, he shall determine his costs by:

(1) Determining his costs for the units he produces in accordance with paragraph (a) and by determining his costs for the units he purchases in accordance with paragraph (b).

(2) Multiplying each of these costs by the respective percentage which the units produced and the units purchased each constituted of the total units produced and purchased during the three months' period preceding the date he determines his costs or during the three months' period closest to the date he determines these costs in which he purchased and produced a representative number of units.

(3) Adding together the result of each of the multiplications required by subparagraph (2) to obtain a total which shall be the costs to be included in the pricing method of either section 9 or 12 by the manufacturer who produces some and purchases the remainder of the units of a part he sells.

SEC. 14. *Procedure for establishing maximum non-list prices for parts which cannot be priced under section 6 or 7.* If the manufacturer is not able to establish a maximum price in accordance with section 6 or 7 because he produces the part in a new or converted plant or because he was not engaged as a manufacturer as defined in section 21 of this regulation during a period on or after March 31, 1942, which would enable him to establish a maximum price in accord-

ance with section 6 or 7, or for any other reason, he shall establish a maximum non-list price in accordance with the following:

(a) *Price determining method—(1) Where the manufacturer is a producer.* Where the manufacturer is a producer he shall establish a price determining method and rates for use therein (labor rates, machine hour rates, overhead rates, and profit rates, etc.) for the determination of a non-list price for such part conforming so far as possible to the provisions of section 12 and section 13. The overhead rate so established shall be a reasonable rate with respect to the operations to be performed, and shall, so far as possible, be based on costs for items of overhead in effect on March 31, 1942. In the case of a newly constructed plant, however, the manufacturer may use as a base date for all purposes the date upon which price quotations were first made or upon which production was started in the plant, whichever is earlier, and shall use labor rates for each classification of labor prevailing on that date in the locality of the plant determined in accordance with section 13 (a) (1), with the above base date substituted for the March 31, 1942, date used therein.

(2) *Where the manufacturer is not a producer.* Where the manufacturer is not a producer he shall establish a price by determining costs for the part in accordance with section 13 (b), and adding to such costs a markup as comparable as possible to the markup he would have added if he were able to establish a price in accordance with section 9 or 12, taking into consideration discounts and allowances to be applied for different classes of purchasers.

(b) *Notifying the Office of Price Administration—(1) Where the manufacturer is a producer.* Where the manufacturer is a producer he shall file a report with the Office of Price Administration, Washington, D. C., except that a rebuilder of used parts shall file it with the nearest regional office, containing:

(i) The price determining method and rates used in establishing prices as provided in paragraph (a);

(ii) A description of the parts for which the prices are determined;

(iii) A representative sample of prices determined in accordance with the pricing method;

(iv) An explanation of the circumstances necessitating pricing under this section;

(v) Relevant data bearing on the price determining method and rates to be used, including evidence that such method and rates were calculated as provided in paragraph (a);

(vi) A statement of whether or not quantity production has been achieved or is anticipated;

(vii) A brief description of the newly constructed or converted plant, if any; and

(viii) Any other data which the Office of Price Administration may in writing require.

(2) *Where the manufacturer is not a producer.* Where the manufacturer is not a producer he shall file a report with

the Office of Price Administration, Washington, D. C., containing:

(i) A description of the part for which a price is being established;

(ii) An explanation of the circumstances necessitating pricing under this section;

(iii) The costs for the part determined in accordance with section 13 (b);

(iv) The amount of the markup to be added to the costs, together with a percentage breakdown of the expenses and profit provided for;

(v) The discounts and allowances to be applied to the price for each class of purchaser; and

(vi) Any other data which the Office of Price Administration may in writing require.

(c) *Action by the Office of Price Administration.* (1) Prices reported or calculated in accordance with the price determining method so reported may be quoted or charged for thirty days prior to filing such report and may be quoted or charged thereafter until the Office of Price Administration disapproves such prices or requires a new filing under paragraph (b). No payment may be received, however, until the price or price determining method is either approved in writing by the Office of Price Administration or thirty days have elapsed from the date the report of the price or price determining method is received by the Office of Price Administration without any notice of disapproval. If the Office of Price Administration approves the prices, or the pricing method and the prices which result from its use, or fails to disapprove them within thirty days after receiving such report, the maximum non-list prices for the parts involved shall be the prices reported, or the prices calculated in accordance with the price determining method reported, until new prices or a new pricing method is proposed and reported either upon the initiative of the manufacturer or as required by the Office of Price Administration. The prices previously filed shall not be regarded as fixed prices, but may be modified pursuant to the new prices or the new price determining method submitted.

(2) The Office of Price Administration may disapprove the prices, or price determining method reported and the prices resulting from its use, in writing within the thirty day period, and upon such disapproval the manufacturer shall file new prices or a revised pricing method in accordance with the suggestions and directions contained in such disapproval, and the provisions of this section shall apply in all respects to such revised method or prices.

(d) *Refiling of prices or price determining method.* No later than six months after the last filing, in accordance with this section, of prices or a price determining method which was not disapproved by the Office of Price Administration, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., except that a rebuilder of used parts shall file this report with the nearest regional office, containing:

(1) A comparison of his total actual direct and indirect costs for the period under review, with the estimates on which the prices or price determining method being used was based; and

(2) So far as available for each of the representative items for which prices were previously charged, the current price being charged and a comparison of the actual direct and indirect unit costs with the estimates on which the price previously charged was based.

(e) *Revision of prices or price determining method.* The manufacturer may at any time file, and the Office of Price Administration may at any time require the filing of, revised prices or a revised pricing method, together with a representative sample of prices determined in accordance with such method. The provisions of paragraph (c) are applicable to such filing.

Article IV—Miscellaneous

Sec. 15. *Federal and State taxes.* (a) Any tax levied by any statute of the United States or statute or ordinance of any state or subdivision thereof which the manufacturer on March 31, 1942, added to the price paid by the purchaser shall not be included in the maximum price but may be collected by the manufacturer in addition to the maximum price if such tax is stated separately from the purchase price, except that such tax need not be stated separately if it is measured by the manufacturer's cost of the part.

(b) Any tax upon the sale or delivery of a part and any compensating use tax upon a part levied by any statute of the United States or statute or ordinance of any state or subdivision thereof and becoming effective on or after March 31, 1942, may also be collected by the manufacturer making such taxable sale or delivery in addition to the maximum price if such tax is stated separately from the purchase price, unless the manufacturer had increased his price on or before March 31, 1942, to reflect such new or increased tax, except that such tax need not be stated separately if it is measured by the manufacturer's cost of the part.

(c) (1) Any separately stated tax paid by a manufacturer on a part purchased for resale may be collected by such manufacturer in addition to the maximum price upon the resale of such part unless the price in effect on March 31, 1942, reflected the amount of such tax.

(2) Any tax paid by a manufacturer upon the purchase of a component of a part which can be delivered separately from the principal assembly of the complete part may also be collected by the manufacturer upon the sale of the part as well as upon the sale of the component separately, if such tax is stated separately from the purchase price, unless the manufacturer's price for the component or the part in effect on March 31, 1942, reflected the amount of such tax.

(d) A tax on transportation of parts imposed by section 620 of the Internal Revenue Act of 1942, for the purpose of determining the applicable maximum

price, shall be treated as a cost of transportation. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

Sec. 16. *Applications for adjustment and petitions for amendment—(a) Application for adjustment—(1) Application by a manufacturer of a part—(i) Who may receive adjustment.* The manufacturer's maximum price for a part established by this regulation may be adjusted only in the case of an essential manufacturer of an essential part. An essential part is one which contributes to the successful prosecution of the war. An essential manufacturer is one whose output or supply of a part cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into, or proposes to enter into, a war contract (as defined in section 21), or a subcontract thereunder, is an essential manufacturer of an essential part.

(ii) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential manufacturer of an essential part upon the basis of information submitted by the manufacturer or of other information. It may make that adjustment whenever it finds that the maximum price of a part is at such a level that (taking into account the cost thereof, the profits position of the manufacturer, and the nature of the business) production or supply of the part is impeded or threatened and the adjustment would not cause an increase in the cost of living.

(iii) *Factors which may be considered.* (a) The following factors are relevant to the consideration whether production or supply of the commodity is impeded or threatened;

(1) Whether, and by what amount, the maximum price is below or above the total unit costs (as defined in section 21) of the part less selling and administrative expenses properly allocable to the internal management of the business, and above or below the total unit costs of the part.

(2) Whether, and by what amount, the manufacturer's over-all profits (as defined in section 21), before income and excess profits taxes, are greater or less than his average over-all profits during the normal base period (as defined in section 21), increased by 7% of the additional capital investment contributed entirely by the manufacturer, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(3) Whether the proposed price is higher than the price prevailing in the industry.

(4) Whether the manufacturer's sales of the part represent only a very small part of his total sales.

(5) Whether the manufacturer previously sold the part below the total unit costs of the part.

(b) The following factors are relevant to a consideration of whether the adjustment would cause an increase in the cost of living:

(1) Whether the part is of a type sold to civilian consumers other than industrial consumers.

(2) If such is the case, whether the increase allowed by adjustment would be absorbed prior to sale to a non-industrial consumer.

(3) Whether, if the applicant did not produce or supply the part, the output would be replaced by the same or a substitute commodity at prices equal to or higher than the proposed adjusted maximum price.

(iv) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A manufacturer who believes that the conditions for an adjustment set forth in subparagraph (1) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Application for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28, which requires, among other things, that an application for adjustment in such case be filed within fifteen days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within fifteen days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(v) *Prices for deliveries made pending disposition of the application.* A manufacturer who has filed an application under this subparagraph (1) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the manufacturer wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A manufacturer who wishes to enter into such an arrangement must specifically state to the buyer the following:

(a) The maximum price for the part;

(b) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration;

(c) The fact that the specific price quoted by the manufacturer is subject to the approval of the Office of Price Administration.

(2) *Application by a manufacturer based upon an appropriate decrease of other prices—(i) Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only in the case of an essential producer or supplier of an essential part. The meaning of these terms is explained in subparagraph (1) (i) of this section.

(ii) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the manufacturer agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this subparagraph (2)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this subparagraph.

(iii) *What an application under this subparagraph must show.* An application for price adjustment under this subparagraph shall contain information indicating that the applicant is an essential manufacturer of an essential part and that if the proposed adjustment is granted, the gross dollar amount of sales of the parts affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

(3) *Application by a manufacturer under a combination of both paragraphs (a) and (b).* A manufacturer who desires to apply for an adjustment under subparagraph (2) may, at the time he applies under that subparagraph, also apply under subparagraph (1); if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under subparagraph (1) before applying subparagraph (2).

(4) *How the manufacturer proceeds in applying for an adjustment.* An application for an adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1⁴ and shall be on Form OPA 694:478 set out in Appendix C. Copies of this form and of the instructions for completing it may be obtained from any district or regional office of the Office of Price Administration. Where application is made for an adjustment in the maximum price for a rebuilt part, the application shall be filed with the nearest regional office. That regional office shall give appropriate consideration to and grant or deny such application. All other applications for adjustment shall be filed with, and acted upon by, the Office of Price Administration, Washington, D. C.

(5) *Nonapplication of Supplementary Order No. 9.* This paragraph (a) supersedes Supplementary Order No. 9 (§ 1305.12), insofar as commodities covered by this regulation are concerned. Accordingly, applications for adjustment of a maximum price established by this regulation may not be filed under Procedural Regulation No. 6.

(b) *Petition for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Revised Pro-

cedural Regulation No. 1. There shall be filed with such petition and incorporated therein all relevant data showing the need for the proposed amendment and its conformity to the policy of this regulation and of the Emergency Price Control Act of 1942, as amended, to control inflation.

Sec. 17. *Transfer of business or stock in trade.* If the business assets or stock in trade of any business are sold or otherwise transferred after March 31, 1942, and the transferee carries on the business, or continues to deal in the same type of parts in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this regulation if no transfer had taken place, and his obligation to keep records sufficient to verify these maximum prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records or transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

Sec. 18. *Records and reports—(a) Records.* Persons subject to this regulation shall keep available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect;

(1) Records of all sales of parts made after the effective date of this regulation and of the prices charged.

(2) Records of labor rates and overhead rates in effect on March 31, 1942;

(3) Records of all data showing the calculation of maximum prices in accordance with the provisions of this regulation.

(b) *Summary of data to be furnished by manufacturer to Office of Price Administration, and to customers—(1) To Office of Price Administration.* (i) Catalogs and discount sheets, and price lists containing resale list prices which are established as maximum prices. (Required by section 6.)

(ii) Report of new maximum list price determined in accordance with section 9. (Required by section 9 (c).)

(iii) Informal application for exemption from necessity of establishing a new maximum list price. (Required by section 11.)

(iv) Report of new maximum non-list price determined in accordance with section 12 which is higher than the most recent price charged subsequent to March 31, 1942. (Required by section 12 (b).)

(v) Report of maximum price or price determining method established for a part under section 14. (Required by section 14 (b).)

(vi) Report on price or price determining method established under section 14, which must be filed six months after the date the established price or price determining method was filed in accordance with section 14 (b). (Required by section 14 (d).)

⁴ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

(2) *To customers.* (i) Catalogs and price lists, and discount sheets which include suggested resale prices established as maximum prices under Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts). (Required by section 10 (a).)

(ii) A statement informing customers that suggested resale prices included on manufacturer's price lists are their maximum prices, where such resale prices are established as maximum prices under Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts). (Required by section 10 (b).)

(iii) Notice on invoices when manufacturer's catalogs and price lists contain suggested resale prices established as maximum prices under Maximum Price Regulation No. 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts). (Required by section 10 (c).)

SEC. 19. Evasion. (a) It shall be a violation of this regulation to evade the price limitations of this regulation by direct or indirect means, by reducing the period of guaranty or warranty or performance; by reducing discounts, freight allowances, exchange values, or other concessions to any purchaser; by changing discount or customary price differentials among classes of purchasers; by eliminating or reducing exchange credits; or in any other manner.

(b) The Office of Price Administration may, upon request, grant written permission to any person subject to this regulation to change his credit terms in effect on March 31, 1942, where such change is necessitated by orders issued by the Board of Governors of the Federal Reserve System or any agency of the United States.

SEC. 20. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages or suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 21. Definitions. (a) "New part" is a part which has not been previously used. The term includes unfinished parts not specifically excluded by section 1 (c) (1) and when sold by a manufacturer who is a regular producer of parts as defined in paragraph (g).

(b) "Normal base period" means the period 1936-1939. If the applicant for an adjustment under section 16 (a) shall demonstrate to the satisfaction of the Office of Price Administration either (1) that his entire industry was operating during the greater part of such period at an unusually depressed level or (2) that because of unusual conditions prevailing during that period, the manufacturer's business was operating during that period at an unusually depressed level in comparison to other businesses in the industry, and in addition that some other period prior to January 1, 1941, represents a proper normal base period, such other period may be considered. The mere fact that the rate of production or distribution has increased since 1936-1939 will not be deemed evidence that

production or distribution during that period was at an unusually depressed level. If the manufacturer was not in business prior to January 1, 1941, he shall state that fact in his application.

(c) "Over-all profits" mean net profit resulting from the operation of all divisions of the manufacturer, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, over-all profits mean the consolidated net profit of the parent corporation and the wholly owned subsidiary, as well as the net profit of the subsidiary, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(d) "Person" includes: an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

(e) "Purchaser of the same class" refers to the practice adopted by the manufacturer in setting different prices for a part sold to different purchasers or kinds of purchasers (for example, governmental agency, public institution, dealer, service station, other individual wholesaler or retailer, mail order house), or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(f) "Rebuilt part", which includes a reconditioned part, is a part which has been previously used and in which all defective, worn, or missing components needing replacement or repair for satisfactory operation have been replaced or repaired, and is guaranteed to be rebuilt or equivalent to rebuilt and to render satisfactory service.

(g) "Regular producer of parts". A manufacturer shall be considered a regular producer of parts when he represents himself in the trade as a producer of parts through the issuance of catalogs, price lists, or other advertising matter, circulated generally in the trade and in which such part is designated by name and by the producer's part number, and he owns the patterns, dies, molds, or other special tools used for the production of such part, and he customarily produces such parts for, and sells such parts from, stock. A seller who believes that he is a regular producer of parts, but who does not meet the above requirements may nevertheless be considered a regular producer of parts if he is recognized in the trade as a supplier of parts and applies to the Office of Price Administration for, and receives from that agency, a determination that he is a regular producer of parts or receives from that agency, without application, such a determination.

(h) "Similar part". One part shall be deemed "similar" to another part, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the

same price line. In determining the similarities of such commodities, differences merely in style or design which do not affect use or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

(j) "Subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(k) "Total unit costs" mean:

(1) *When the manufacturer produces all the units of the part he sells*, the direct unit cost of labor, materials, and subcontracted services plus a proportion of factory overhead, administrative, selling and other expenses, based on actual operating experience, properly allocable to the production of the part, but does not include provisions for income or excess profit taxes. The allocation of factory overhead, administrative and other expenses must be made without reference to temporary fluctuations of production.

(2) *When the manufacturer purchases all the units of the part he sells*, the weighted average of his supplier's invoiced net prices, freight in and freight out, other direct costs, and selling and administrative expenses normally applicable to the handling of the commodity which are properly allocable to the manufacturer's total cost of doing business, exclusive of any provisions for income or excess profit taxes.

(3) *When the manufacturer produces some of the units and purchases the remainder of the units of the part he sells*, the result obtained by adding together the amounts derived from the multiplication of total unit costs determined under subparagraph (1) for the units produced and the total unit costs determined under subparagraph (2) for the units purchased by the respective percentage each of these groups constituted of the total units sold by the manufacturer during the three months' period immediately preceding the date these direct costs are determined or during a preceding three months' period closest to that date in which a representative number of units were both produced and purchased.

(l) "Used part" is a part which has been previously used but which is not a rebuilt part as defined in paragraph (f).

(m) "War contract" means any contract with the United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of a machine or part purchased (1) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (2) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (3) for use in the production or manufacture of any commodity described in (1) or (2).

APPENDIX A—AUTOMOTIVE PARTS AND SUBASSEMBLIES COVERED BY THIS REGULATION

1. Chassis parts and actuating mechanism, including frame, torque members and other parts used to promote rigidity or strength, including chassis converters and trailer running gears.

2. Springs, standard helper and auxiliary, including parts thereof and all attaching parts.

3. Shock absorbers and parts thereof, including attaching parts.

4. Axles.

(a) Front axle, conventional and front wheel drive, and all parts thereof, including bearings, housing, actuating mechanism and spring seats, connecting and attaching parts.

(b) Rear axle, conventional, auxiliary and conversion, and all parts thereof, including bearings, actuating mechanism, spring seats, connecting and attaching parts.

5. Wheels and associated parts and parts thereof, and attaching parts, including rims, hubs, hub caps, drums, lugs, and bearings. Also wheel trim sets, discs and shields.

6. Steering mechanism, housing and parts thereof, including steering wheel with connecting and attaching parts, king pins and king pin bushings, shims, and attaching parts, steering bearings, and steering balls, stabilizing equipment.

7. Internal combustion engines and parts thereof, including actuating mechanism, cylinder head, attaching and connecting parts, cylinder block, pistons and parts thereof, connecting rods and attaching parts thereof, cylinder sleeves (wet and dry), timing gears, timing chain, distributor, including shaft gears, bushings and their connecting and attaching parts, tappets, plungers, valves, valve parts and their actuating mechanism, air pumps, fan and parts thereof, crank case and enclosed parts, crankshaft bearings, oil level indicator, fly wheel with connecting parts, shims and gaskets.

8. Fuel system and parts thereof, including the actuating mechanism, gas tank, auxiliary gas tank, vacuum tank and parts thereof, air filter, carburetor and parts thereof. Also fuel pipes, check valves, manifolds and pressure pumps.

9. Motor exhaust systems, extensions and parts thereof, including manifold exhaust pipe, muffler and parts and connecting parts thereof.

10. Ignition system and parts thereof (except batteries), including ignition switch, generator and parts thereof, with connecting and attaching parts thereof, distributors and parts thereof, including connecting and attaching parts, spark plugs and parts thereof, ignition wiring harness, ignition coil, relay or cut-out, fuses, automatic spark control systems.

11. Temperature control system and parts thereof, including hose connections, radiator, radiator covers, screens, shutters, fronts and guards and parts thereof with their connecting and attaching parts, radiator grills, circulating pumps and parts thereof, thermostat and parts thereof.

12. Clutch mechanism and parts thereof, including clutch cover, bearings, facings, shafts, and pedals.

13. Transmission, standard auxiliary, overdrive and fourth speed, with the actuating mechanism thereof, including housing, fluid and vacuumatic transmissions with the parts thereof, bearings, gears, shift levers, speedometer drive.

14. Differential, standard and auxiliary with the actuating mechanism and parts thereof, including pinion and ring gears, and housings.

15. Drive shaft with the connecting actuating parts thereof, including bushings and universal joints.

16. Brake system, all types with actuating mechanism and parts thereof, including foot and hand brake levers, brake shoes, toggle joinings, pull rods, shafts, equalizers, springs,

cylinders, tubes, tanks, and reserve tanks for fluid.

17. Lubrication system and parts thereof, including oil pumps and parts thereof, including connecting and attaching parts, filler and level plugs, grease cups, oil cleaners, individual fittings and parts thereof, central shot system and parts thereof.

18. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 either when specially packaged and sold as automotive parts by manufacturers of automotive parts or sold as replacement parts by manufacturers of motor vehicles or of assemblies designed for use only as automotive parts or accessories.

19. Hood, fenders, running boards, cowl-ing and connecting and attaching parts thereof, including dual wheel fenders and fender splash guards.

20. Starting system and parts thereof, actuating mechanism, including starter, motor starter, wiring harness, switches, starting pedal rods, with the connecting and attaching parts.

21. Signal devices and parts thereof, including the actuating mechanism, buttons, and switches, horns, and buzzers, including connecting and attaching parts and wire harness, directional signals.

22. Lighting system and parts thereof, including switches and wire harness, lamps and posts, including auxiliary lighting equipment (except bulbs), resistance coils and parts thereof. Also beam headlights, fog, spot, trunk, fender, step, and running or identification lighting equipment.

23. Electrical gauges and control equipment and parts thereof, including gasoline gauges, heat indicator, ammeter and other miscellaneous electrical gauges.

24. Mechanical equipment gauges, hydraulic or otherwise, including the instrument panel and with its connecting and attaching parts, gas tank gauges, water temperature gauges, oil circulation gauges, oil pressure indicator and other miscellaneous gauges.

25. Control equipment and parts thereof, including acceleration mechanism, choke rods, governors and parts thereof, windshield wiper control and attaching parts, carburetor heat control, speedometers and parts thereof.

26. Bumpers and bumper stops, guards, wings, and their connecting and attaching parts.

27. Bodies, cabs and component parts thereof, bodies designed exclusively for commercial vehicles and busses, including the attaching parts, but excepting glass and upholstery.

28. Rear view mirrors.

29. Body fittings and attachments, including wind lace or weather strip, cowl boards, sun visors, floor boards, foot rails, body hardware.

30. Miscellaneous auxiliaries, including running board plates, running board molding, spare tire locks, license plate frames, cigar lighter, etc.

31. Tourist trailer parts including trailer legs, hitches, coupling devices and running gears.

32. Parts for commercial motor vehicle trailers, tractors, including third axle attachments and auxiliary wheel units.

33. Portable power units including power take-offs, truck cranes, winches, transmission derricks, truck hoists, and compressors auto driven.

34. Reground crankshafts, rebored cylinders, repaired and rebuilt generators and starters and motors; relined brake shoes; overhauled and reconditioned carburetors, rebabbitted connecting rods, realigned main bearings, trued brake drums, rebuilt clutches, resurfaced cylinder heads, and refaced valves.

35. Motorcycle drive chains.

36. Motorcycle dispatch, tow, traffic, side, and service cars and their parts, accessories and subassemblies.

APPENDIX B—AUTOMOTIVE PARTS, SUBASSEMBLIES, AND ACCESSORIES EXCLUDED FROM THIS REGULATION

1. Batteries and battery separators.

2. Electric light bulbs, flares, flashlights.

3. Glass.

4. Goggles, riding belts, saddle bags and splashers, leg shields and windshields for motorcycles.

5. Rugs, carpets, fabrics, leather and mohair upholstery.

6. Bicycle accessories and parts.

7. Hoists, winches, derricks, and cranes not classified as automotive power units or auto driven.

8. Tire or car theft alarms including truck burglar alarms.

9. Luggage and baggage racks, roof rails, and coat rails.

10. Radios, radio aerials and controls.

11. Tires, tubes, tire covers and tire repair material including patches.

12. Automotive fabrics including cloth, fibre or leather seat covers.

13. Signs or insignia attachments including decalcomanias.

14. Clocks, mileage clocks and movement recorders other than speedometers.

15. Automotive mechanical and electrical testing and maintenance equipment and supplies including but not limited to:

Garage equipment.

Small tools.

Expendable tools.

Tire gauges.

Chemical compounds.

Air pumps—hand or mechanical.

Lubricants and greases.

Brake fluids.

Anti-freeze solutions.

Rags.

Polishes.

Waxes.

16. Castings, forgings or blanks before machining, threading or stamping operations have progressed to the point where they can be identified as automotive parts.

17. Farm machine equipment or parts and subassemblies especially designed or manufactured for farm equipment.

18. Road building equipment or parts and subassemblies especially designed or manufactured for road building equipment.

19. Marine engines or parts thereof when such engines or parts are especially designed for marine engines.

20. The following types of accessories:

Shades.

Screens.

Valances.

De-gassers.

Vents.

Ventilators.

Traction sanders.

Automatic doors.

Tarpaulins.

Fare boxes.

Fire hose.

Registering machines.

Fire extinguishers.

Skid chains, adjusters and links.

Sun visors and shields.

Cigarette lighters and ash receivers.

Hat holders.

Tissue dispensers.

Auto umbrellas.

Refrigeration and air conditioning equipment.

Rubber horn bulbs, floor mats and topping. Air cushions, mattresses, pillows, and bed conversions.

21. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 except those included in Item 18 of Appendix A.

22. Rubber and rubber products not listed on automotive parts, accessories or subassemblies price lists.

APPENDIX C—FORM FOR APPLICATION FOR ADJUSTMENT OF MANUFACTURER'S MAXIMUM PRICES FOR AUTOMOTIVE PARTS

Form OPA 694:478

Form Approved
Budget Bureau No. 08-R616

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

Application for Adjustment of Maximum Prices for Automotive Parts Under Maximum Price Regulation No. 452.

Company name _____
Address _____

(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. General description of the company's business.

2. Designate and describe part(s) for which price increase is required.

3. Present the following information for each part listed in Item 2 above.

(a) Dollar volume of unfilled orders, \$ _____
(b) Unit volume of unfilled orders. Indicate unit used) _____

(c) Degree of completion of production or supply on unfilled orders _____ %.

(d) Anticipated dollar volume of new orders for the next: 3 months, \$ _____; 6 months, \$ _____; 12 months, \$ _____.

NOTE: If more than one part is being reported, present the required information on another sheet.

4. Present evidence that the company is an essential manufacturer of an essential automotive part.

(a) For each part designated in Item 2 above, fill in the following if you have entered into, or propose to enter into, a war contract or subcontract for the sale of that part:

(1) Identification of contract _____
(2) Name of purchaser _____
(3) Address of purchaser _____
(Street)
(City) (State)

NOTE: If more than one part is being reported, present the required information on another sheet.

(b) Present any other information which demonstrates that the manufacturer is an essential manufacturer of an essential part.

(NOTE: The terms "war contract", "subcontract", "essential manufacturer" and "essential part" are defined in Sections 16 and 21 of this regulation).

5. Are similar parts produced or supplied by competing manufacturers in your region?

(Yes or no)

If yes, give names and addresses of competitors, and their prices for such parts.

SCHEDULE B

Important. If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated financial data should be submitted for the parent corporation and the wholly owned subsidiary as well as financial statements for the subsidiary.

1. Financial data 1941-1943.

Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses

and officers' salaries and bonuses, and the number of officers.)

2. Financial data 1936-1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table.

	1936	1937	1938	1939	1940
Net sales					
Cost of goods sold					
Gross profit					
Administrative expenses					
Selling expenses					
Net operating profit					
Other income less other expenses					
Net profit before income taxes					
Debt (except current) at end of year					
Net worth at end of year					
Total assets					

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? _____ If no, state exceptions.

(Yes or no)

SCHEDULE C

UNIT PRICE AND COST INFORMATION

Designation of part: _____

NOTE: If more than one part is involved, prepare and file separate reports on this schedule for each part that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. Price data:

(a) Net realized price:

	Ceiling date price Mar. 31, 1942	Current price	Requested price
1. (List) (Non-list) price			
2. Less: Dealers' commissions			
3. Less: Trade discounts			
4. Net realized price			
5. Net realized price at maximum discount and/or commissions			

(b) Analysis of sales of the above designated part:

Sales for _____ month period ending _____ (number of months) 1943.
(month and day)

	Percent-age amount of commissions or discounts	Dollar value of sales
Sales subject to commission of (1) _____ %		
Sales subject to commission of (2) _____ %		
Sales not subject to commission	XXXXXXXXXX	
Sales subject to discount of (1) _____ %		
Sales subject to discount of (2) _____ %		
Sales subject to discount of (3) _____ %		
Sales subject to discount of (4) _____ %		
Sales subject to discount of (5) _____ %		
Sales not subject to discount	XXXXXXXXXX	
Total sales of above designated product	XXXXXXXXXX	\$ _____

(c) Total sales for the above designated part only:

	1940	1941	1942	Months ending _____ 1943
Total unit volume of sales				
Total dollar volume of sales (net)	\$ _____	\$ _____	\$ _____	\$ _____

(d) Is the price currently charged for the part the same as the maximum price filed with OPA? _____

(Yes or no)

(If answer is "No", state date when increased price was first charged.) Date: _____ 194__

(Month)

(e) Indicate whether the current maximum price is a list () or non-list () price. (Check one.)

Price used since _____ 194__

(Month)

(f) State on a separate sheet the reasons for the need of the requested price increase.

2. Unit cost data:

(a) For parts produced:

	Ceiling date costs Mar. 31, 1942	Costs December 1942	Current date costs 1943
(1) Direct material	\$ _____	\$ _____	\$ _____
(2) Direct labor			
(3) Factory overhead			
(4) Selling expense (do not include discounts and commissions deducted under Price Data above)			
(5) Administrative expense			
(6) Freight out, if any			
(7) Installation expense, if any			
(8) Other expense, specify _____			
(9) Total cost per unit			

(10) What method is used in allocating factory overhead?

(1) Standard (), Actual (), Other (). (Check one.)

(11) Direct labor cost (); Direct labor hours (); Machine hours (); Other ().

(Explain separately if "other" or combination.)

(b) For parts purchased for resale.

	Ceiling date costs Mar. 31, 1942	Costs December 1942	Current date costs 1943
(1) Price paid for parts	\$ _____	\$ _____	\$ _____
(2) Selling expense (do not include discounts deducted under Price Data above)			
(3) Administrative expense			
(4) Freight out, if any			
(5) Other expense, specify _____			
(6) Total cost per unit			

Affidavit

STATE OF _____
County of _____ ss.

(Applicant)

By _____

(Title)

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Ad-

justment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct,

(Signature)

Subscribed and sworn to before me this ____ day of _____ 1943.

(Officer administering oath)

Instructions for the Form—Instructions for the use of Adjustment Application Form for Automotive Parts. In preparing this application, please consider that the form is intended to cover the cases of all persons who are manufacturers as defined in Section 1 (b) (1) of Maximum Price Regulation No. 452. Therefore, you will find that some of the questions do not apply to your case. Moreover, you may find that some point that is important in your case is not covered in the form. Adapt the form if this can be done, or state the information on a separate sheet if that will be clearer. If any difficulty is experienced in completing this form it may be taken to the nearest OPA district accountant who will give his assistance in its preparation.

Schedule C entitled "Unit Price and Cost Information" is subject to the following explanation:

1. *Price data—(a) (1) (List) (Non-list) price.* Please indicate whether the price is a list price or a non-list price by crossing out the term that does not apply.

2. *Dealers' commissions.* Where all dealers receive the same commission, use the full commission rate even if some sales are not subject to any commission. If several different rates affect the part covered by the application, use the rate that applies to the largest amount of sales.

3. *Trade discounts.* Deduct trade discounts at the average rate of discounts prevailing in your company for the part covered by this application.

(b) *Period to be covered.* Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.

2. *Unit cost data—(a) (1) In general.* A manufacturer who produces all the parts he sells should use Form (a). A manufacturer who purchases all the parts he sells should use Form (b). A manufacturer who produces some and purchases the remainder of the parts he sells should use both Forms (a) and (b) and should indicate under Form (a) or (b) what percentage group of parts constituted of the total number of parts sold during the period for which the data are submitted. (2) Only actual costs for materials should be included in unit cost data.

(b) *Form (a).* For Form (a) the following should be noted: State separately any charges added to costs of materials.

Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply.

The cost data for the ceiling date may be recomputed if the part covered by the application was not manufactured on or about that date. In the recomputation apply the wage rates prevailing in your plant on the ceiling date and material cost of the same date.

Under Items (6), (7) and (8) include only costs borne by the manufacturer and not billed separately to the buyer.

Effective date. This regulation shall become effective September 2, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13577; Filed, August 19, 1943; 4:26 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 453]

WHOLESALE'S AND RETAILERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

In the judgment of the Price Administrator the maximum prices established by this regulation will be generally fair and equitable, will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and are necessary to adjust the provisions of the General Maximum Price Regulation¹ to the particular circumstances of wholesale and retail sellers of automotive parts. So far as practicable the Price Administrator has consulted with and has been advised by representative members of the industry which will be affected by this regulation. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1360.2 *Wholesalers' and retailers' maximum prices for automotive parts.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1360.2 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 453—WHOLESALE'S AND RETAILERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

ARTICLE I—SCOPE OF REGULATION AND PROHIBITION

Sec.

1. To what transactions, persons, commodities, and geographical area this regulation applies.
2. Relation of this regulation to other regulations.
3. Prohibition against dealing in parts at prices above the maximum.
4. Less than maximum prices.

ARTICLE II—MAXIMUM PRICES

5. Maximum prices for sales at wholesale and retail of new or rebuilt parts having resale list prices which the supplier has stated to be the maximum prices for resellers.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

Sec.

6. Maximum prices for sales at wholesale and at retail of all used parts and of new and rebuilt parts which do not have resale list prices which the supplier has stated to be the maximum prices for resellers.

7. Maximum prices for sales at wholesale and retail of parts priced under Section 6 the manufacturer's maximum prices for which are increased after September 1, 1943, in accordance with Maximum Price Regulation No. 452.

ARTICLE III—MISCELLANEOUS

8. Federal and State taxes.
 9. Telephone, telegraph, and express or parcel post charges.
 10. Sales slips and receipts.
 11. Petitions for amendment.
 12. Transfer of business or stock in trade.
 13. Records.
 14. Evasion.
 15. Licensing.
 16. Enforcement.
 17. Definitions.
- Appendices A and B

Article I—Scope of Regulation and Prohibition

SECTION 1. *To what transactions, persons, commodities and geographical area this regulation applies—(a) Transactions.* This regulation applies to all sales by wholesalers and retailers of new, rebuilt and used automotive parts made in the 48 states of the United States or the District of Columbia.

(b) *Persons.* The regulation applies to all persons who sell at wholesale or retail the automotive parts subject to the regulation and to all persons who purchase such parts in the course of trade or business.

(c) *Commodities.* The regulation covers all new, rebuilt and used automotive parts.

(1) *Automotive parts.* Automotive parts as used in the regulation mean all engine parts, body parts, chassis parts, motors, electrical equipment and wheels, and all other component parts and sub-assemblies, of automobiles, trucks, busses, trailers, semi-trailers and motorcycles, and all accessories and optional, extra and special equipment designed for use on, or with, such motor vehicles, when in such form as to permit their use only as automotive parts, but do not mean any service or maintenance accessories such as anti-freeze, body polish, tools, etc., or tires, tubes, storage batteries, glass, or any parts, subassemblies or accessories specially designed for use in vehicles built primarily for military purposes, although parts, subassemblies or accessories originally designed for use in private or commercial motor vehicles but which are used both in military and private or commercial motor vehicles are considered as automotive parts. Illustrative lists of automotive parts covered by the regulation and parts not covered by the regulation are attached as Appendices A and B.

(d) *Geographical area.* The regulation applies to the 48 states of the United States and the District of Columbia, but not to the territories and possessions of the United States.

SEC. 2. *Relation of this regulation to other regulations—(a) In general.* The

transactions, persons, and commodities subject to this Maximum Price Regulation No. 453 on and after its effective date shall not be subject to the General Maximum Price Regulation or any other regulation issued by the Office of Price Administration in so far as this Maximum Price Regulation No. 453 affects such transactions, persons and commodities.

(b) *Sales of parts in connection with a service.* The maximum prices for sales of parts in connection with a service, such as automobile repair work, shall be determined in accordance with Maximum Price Regulation No. 165—Services.

(c) *Sales for export.* The maximum prices for sales for export of parts shall be determined in accordance with the provisions of the Second Revised Maximum Price Regulation.²

(d) *Imports.* The provisions of this regulation do not apply to the sale, purchase or delivery of a part which is not manufactured in, but is imported into, the continental United States or the District of Columbia. Such a sale, purchase or delivery is governed by the provisions of the General Maximum Price Regulation and especially Revised Supplementary Regulation No. 12.

SEC. 3. *Prohibition against dealing in parts at prices above the maximum.* On and after September 2, 1943, regardless of any contract or other obligation,

(a) No wholesaler or retailer shall sell or deliver any part at a price higher than the maximum price permitted by the regulation;

(b) No person in the course of trade or business shall buy or receive any part from a wholesaler or retailer at a price higher than the maximum price permitted by the regulation, but if he, the purchaser, has received from the wholesaler or retailer a written statement that the price charged is not in excess of the maximum price, and has no knowledge to the contrary, he shall be deemed to have complied with this paragraph;

(c) No person shall agree, offer, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

SEC. 4. *Less than maximum prices.* Nothing in this regulation prevents the charging or paying of prices lower than those established by this regulation.

Article II—Maximum Prices

SEC. 5. *Maximum prices for sales at wholesale and retail of new or rebuilt parts having resale list prices which the supplier has stated to be the maximum prices for resellers.*—(a) *Maximum prices for sales at wholesale.* Manufacturers of parts are told in Maximum Price Regulation No. 452—Manufacturers' Maximum Prices for Automotive Parts, under what conditions they must furnish copies of their suggested resale price lists to their customers. When manufacturers must do so, they are required to notify their customers that their resale list prices are maximum prices for wholesalers and retailers and that higher prices must not be charged. Resale list prices for new or rebuilt parts stated in a writ-

ten notice from a manufacturer to a wholesaler to be the maximum prices for sales by the wholesaler of parts supplied by that manufacturer are the maximum prices which that wholesaler may charge for such parts.

(b) *Notice by wholesalers to retailers or other wholesalers of maximum retail prices and maximum prices for wholesalers purchasing from other wholesalers.* After a wholesaler has received written notice from a manufacturer that the manufacturer's resale list prices for new or rebuilt parts are the maximum prices for resale, the wholesaler shall state the manufacturer's resale list prices for sales at retail on all invoices to retailers for any such parts, together with the statement that such prices are the retailer's maximum prices for such parts. As to sales of such parts to other wholesalers, a wholesaler shall state on the invoice both the maximum price for sales by wholesalers to retailers and for sales by retailers. A wholesaler who has purchased parts from another wholesaler and who has been notified on his invoice as to what is the maximum price for sales at retail shall notify retailers to whom he sells such parts that such price is their maximum selling price. His own maximum selling price for a sale to a retailer is the price stated to be his maximum price in the invoice to him. His maximum selling price if he should sell to another wholesaler is the manufacturer's resale list price for such a sale.

(c) *Maximum prices for sales at retail.* Resale list prices for new or rebuilt parts stated in writing by a manufacturer or wholesaler to be the maximum prices for sales by a retailer of parts supplied by the manufacturer or wholesaler, are the maximum prices which that retailer may charge for such parts.

(d) *Distinction between new and rebuilt parts.* A resale list price to be used as the maximum price under this section must be applicable to the particular part being priced. For example, to be used as the maximum price for a rebuilt part, the resale list price must be a resale list price suggested for a rebuilt part and may not be a price suggested for the part only if new.

SEC. 6. *Maximum prices for sales at wholesale and at retail of all used parts and of new and rebuilt parts which do not have resale list prices which the supplier has stated to be the maximum prices for resellers.* Maximum prices for sales at wholesale and at retail of all used parts and of new and rebuilt parts which do not have resale list prices which the supplier has stated to be the maximum prices for resellers, shall be established in accordance with the first applicable of the following paragraphs:

(a) *Parts sold or offered for sale by the wholesaler or retailer during March, 1942.* The maximum price a wholesaler or retailer may charge for a part sold or offered for sale during March, 1942, but for which he cannot determine his maximum selling price under Section 5, shall be the highest price he charged for such a part during March, 1942.

(1) *Highest price charged during March, 1942 shall be:* (i) Highest price charged by a wholesaler or retailer dur-

ing March, 1942 shall be the highest price at which he sold the part during that month to a purchaser of the same class; or

(ii) If he did not sell the part during March, 1942 to the same class of purchaser, his highest offering price for the same part during that month to a purchaser of the same class; or

(iii) If he did not sell or offer to sell the part to a purchaser of the same class during March, 1942, the highest price charged by him during March, 1942 to a purchaser of a different class adjusted to reflect his customary differential between the two classes of purchasers.

(b) *Parts not sold or offered for sale by the wholesaler or retailer during March, 1942.* The maximum price a wholesaler or retailer may charge for a part which he did not sell or offer for sale during March, 1942 and which cannot be priced under section 5, shall be a price determined by adding to the net invoice cost, (not to exceed the applicable manufacturer's maximum price of such a part), the percentage mark-up the wholesaler or retailer added during March, 1942 to the net invoice cost of the part of the same type, the invoice cost of which is nearest to the invoice cost of the part being priced. Examples of types for the purpose of this regulation are engine parts, carburetor parts, electrical parts, etc.

(c) *Maximum prices for parts for which maximum prices cannot be otherwise determined.* The maximum price for a part for which a maximum price cannot be determined either under section 5 or paragraph (a) or (b) of this section shall be a price determined by the wholesaler or retailer after specific authorization from the Office of Price Administration. A wholesaler or retailer who seeks an authorization to determine a maximum price under the provisions of this section shall file with the Office of Price Administration, Washington, D. C., an application setting forth (a) a description of the part or parts for which a maximum price is sought; (b) a statement of the reasons why such a part or parts cannot be priced under section 5 or paragraph (a) or (b) of this section; and (c) any other facts which the wholesaler or retailer wishes to submit in support of the application. The wholesaler or retailer shall also submit such additional pertinent information as the Office of Price Administration may require. Such authorization will be given in the form of an order prescribing a method of determining the maximum price.

SEC. 7. *Maximum prices for sales at wholesale and retail of parts priced under section 6 the manufacturer's maximum prices for which are increased or decreased after September 1, 1943 in accordance with Maximum Price Regulation No. 452.* The maximum price for the sale by a wholesaler or retailer of a part priced under section 6, the manufacturer's maximum price for which is increased or decreased after September 1, 1943 in accordance with Maximum Price Regulation No. 452—Manufacturers' Maximum Prices for Automotive Parts, shall be determined as follows:

² 8 F.R. 4132, 5987, 7662.

The wholesaler or retailer shall multiply his previous maximum price for the sale of the part to a purchaser of the same class by a percentage to be determined by dividing the present price for the part in effect to him from his supplier by the price in effect to him prior to the increase or decrease in the manufacturer's maximum price.

Article III—Miscellaneous

SEC. 8. Federal and State Taxes. Any tax upon, or incident to, the sale, delivery, transportation or use of a part imposed by any statute of the United States or statute or ordinance of any State or subdivision thereof, shall be treated as follows in determining the wholesaler's or retailer's maximum price for the part and in preparing his records with respect thereto:

(a) *A tax in effect on March 31, 1942.* (1) If the wholesaler or retailer paid such tax, or if the tax was paid by any of his suppliers, even though the amount thereof was separately stated and collected from the wholesaler or retailer, but the wholesaler or retailer did not customarily state and collect separately during March, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his supplier, the wholesaler or retailer may not collect such amount in addition to his maximum price.

(2) If, at the time the wholesaler or retailer determines his maximum price, the statute or ordinance imposing such tax does not prohibit him from stating and collecting the tax separately from his selling price and he did state it separately during March, 1942, he may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any of his suppliers and separately stated and collected from him by the supplier from whom he purchased the part, but the dealer shall not include such amount in the maximum price.

(b) *A tax placed in effect after March 31, 1942.* As to a tax or an increase in a tax placed in effect after March 31, 1942, if the statute or ordinance imposing such tax or increase does not prohibit the wholesaler or retailer from stating or collecting the tax separately from his selling price and he separately states the tax, he may collect, in addition to his maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any of his prior suppliers and separately stated and collected from him by the supplier from whom he purchased.

(c) A tax on the transportation of parts imposed by section 620 of the Internal Revenue Act of 1942 shall, for purposes of determining the applicable maximum price, be treated as a cost of transportation. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 9. Telephone, telegraph, and express or parcel post charges. There may be added to the maximum price established by this regulation, the cost of any long-distance telephone calls, or tele-

grams, or express or parcel post charges where such expenses have been incurred at the request of the purchaser in order to expedite a particular order, but the amount of these extra expenses shall be separately stated to the purchaser.

SEC. 10. Sales slips and receipts. Any wholesaler or retailer who has customarily given purchasers sales slips, receipts, or similar evidence of purchases shall continue to do so. Upon request from a purchaser, a wholesaler or retailer, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the wholesaler or retailer, a description of each automotive part sold and the price received for each part.

SEC. 11. Petitions for amendment. Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1.⁷ There shall be filed with such petition all relevant data showing the need for the amendment and that it would conform to the policy of this regulation and to the Emergency Price Control Act of 1942, as amended, to control inflation.

SEC. 12. Transfer of business or stock in trade. If the business assets or stock in trade of any business are sold or otherwise transferred after September 1, 1943, and the transferee carries on the business or continues to deal in the same type of parts, in the same competitive area and in an establishment separate from any establishment which he may previously have owned or operated, the transferee shall be subject to the same maximum prices as those to which his transferor would have been subject under this regulation if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor in such cases shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 13. Records. Every wholesaler or retailer who sells a part subject to the maximum prices established by this regulation shall preserve for examination, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, the following records:

(a) *Base period records.* (1) The wholesaler or retailer shall preserve for examination by the Office of Price Administration all his existing records relating to the prices which he charged for the parts he delivered or supplied on March 31, 1942, and his offering prices for delivery or supply of such parts on that date.

(2) The wholesaler or retailer shall prepare, if he has not already done so, and thereafter shall keep for examination by any person during ordinary business hours, a statement showing:

(i) The highest price which he charged for the parts he delivered or supplied on March 31, 1942 and his offering prices for delivery or supply of such parts on

that date, together with an appropriate description or identification of each part.

(ii) All his customary allowances, discounts, and other price differentials.

(b) *Current records.*—(1) *Notifications of maximum prices.* Wholesalers and retailers shall keep all notifications of the maximum prices of parts which may be charged by them.

(2) *Customary records.* The wholesaler or retailer who sells a part subject to this regulation shall keep, and make available for examination by the Office of Price Administration, records of the same kind as he has customarily kept, relating to the prices which he charged for the parts he sells after the effective date of this regulation; and, in addition, records showing, as precisely as possible, the basis upon which he determined maximum prices for such parts.

SEC. 14. Evasion. The price limitations set forth in this regulation shall not be evaded (a) by reducing the period of any guaranty or warranty of performance; (b) by reducing discounts, exchange values, or other concessions to any purchaser; (c) except in those cases in which it was customary to sell them only in connection with a service, by refusing to sell parts separately; (d) by requiring the purchaser to buy other commodities or to perform any act as a condition of the sale of the part; (e) by requiring the purchaser to bear any greater proportion of transportation costs than he bore on March 31, 1942, or, when applicable, which are permissible in connection with any resale list price established as a maximum price in accordance with this regulation; or (f) by effecting any other hidden or indirect price increase above the applicable maximum price.

SEC. 15. Licensing.—(a) *License required.* A license as a condition of selling is hereby required of every wholesaler or retailer now or hereafter selling any part for which a maximum price is established by this regulation. No person whose license is suspended shall sell any part during the period of suspension.

(b) *License granted.* Every person required to be licensed pursuant to paragraph (a) of this section is, by this section, granted a license as a condition of selling any part. The provisions of this regulation, and any amendments thereto, shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of said license. Such license shall be effective on September 2, 1943, the effective date of this regulation, or whenever any person becomes subject to the provisions of the regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force so long as, and to the extent that, this regulation or any amendment or supplement thereto remains in effect.

SEC. 16. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the

⁷ 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

Emergency Price Control Act of 1942, as amended.

SEC. 17. *Definitions.* When used in this regulation the term:

(a) "Manufacturer" means a regular producer of new automotive parts, as defined in section 21 of Maximum Price Regulation No. 452, a rebuilder of used automotive parts, or any person who sells automotive parts under his own trade name.

(b) "New part" means a part which has not been previously used.

(c) "Person" means an individual, corporation, partnership, association, or any other organized group; their legal successors or representatives; the United States, or any government, or any of its subdivisions; or any agency of any of the foregoing.

(d) "Rebuilt part" means a part which has been previously used, in which all defective, worn or missing components needing replacement or repair for satisfactory operation have been replaced or repaired, and which is guaranteed by an automotive part rebuilder to be rebuilt or equivalent to rebuilt and to render satisfactory service.

(e) "Resale list price" means the price suggested by the manufacturer of an automotive part in a price list or price sheet issued to the trade as the price to be charged by the person reselling it. Adjustment must be made for all applicable extra charges, discounts or allowances for sales to a purchaser of the same class in figuring the list price.

(f) "Sale at retail" means any sale to a purchaser for use and not for resale, and includes sales made by garages when to a purchaser for use. For the purposes of this regulation each store of a chain store organization or each sales outlet of any other retail organization shall be regarded as a separate seller, except that notice to the organization under section 5 will be considered notice to each sales outlet.

(g) "Sale at wholesale" means any sale other than a sale at retail and other than a sale made by the manufacturer of the part. For the purposes of this regulation each sales outlet of any wholesale organization shall be regarded as a separate seller, except that notice to the organization under section 5 will be considered notice to each sales outlet.

(h) "Used part" means a part which has been previously used but which is not a rebuilt part as defined in paragraph (d) above.

APPENDIX A—AUTOMOTIVE PARTS AND SUBASSEMBLIES COVERED BY THIS REGULATION

1. Chassis parts and actuating mechanism, including frame, torque members and other parts used to promote rigidity or strength, including chassis convertors and trailer running gears.

2. Springs, standard helper and auxiliary, including parts thereof and all attaching parts.

3. Shock absorbers and parts thereof, including attaching parts.

4. Axles.

(a) Front axle, conventional and front wheel drive, and all parts thereof, including bearings, housing, actuating mechanism and spring seats, connecting and attaching parts.

(b) Rear axle, conventional, auxiliary and conversion, and all parts thereof, including

bearings, actuating mechanism, spring seats, connecting and attaching parts.

5. Wheels and associated parts and parts thereof, and attaching parts, including rims, hubs, hub caps, drums, lugs, and bearings. Also wheel trim sets, discs and shields.

6. Steering mechanism, housing and parts thereof, including steering wheel with connecting and attaching parts, king pins and king pin bushings, shims, and attaching parts, steering bearings, and steering balls, stabilizing equipment.

7. Internal combustion engines and parts thereof, including actuating mechanism, cylinder head, attaching and connecting parts, cylinder block, pistons and parts thereof, connecting rods and attaching parts thereof, cylinder sleeves (wet and dry), timing gears, timing chain, distributor, including shaft gears, bushings and their connecting and attaching parts, tappets, plungers, valves, valve parts and their actuating mechanism, air pumps, fan and parts thereof, crank case and enclosed parts, crankshaft bearings, oil level indicator, fly wheel with connecting parts, shims and gaskets.

8. Fuel system and parts thereof, including the actuating mechanism, gas tank, auxiliary gas tank, vacuum tank and parts thereof, air filter, carburetor and parts thereof. Also fuel pipes, check valves, manifolds and pressure pumps.

9. Motor exhaust systems, extensions and parts thereof, including manifold exhaust pipe, muffler and parts and connecting parts thereof.

10. Ignition system and parts thereof (except batteries), including ignition switch, generator and parts thereof, with connecting and attaching parts thereof, distributors and parts thereof, including connecting and attaching parts, spark plugs and parts thereof, ignition wiring harness, ignition coil, relay or cut-out, fuses, automatic spark control systems.

11. Temperature control system and parts thereof, including hose connections, radiator, radiator covers, screens, shutters, fronts and guards and parts thereof with their connecting and attaching parts, radiator grills, circulating pumps and parts thereof, thermostat and parts thereof.

12. Clutch mechanism and parts thereof, including clutch cover, bearings, facings, shafts, and pedals.

13. Transmission, standard auxiliary, overdrive and fourth speed, with the actuating mechanism thereof, including housing, fluid and vacuumatic transmissions with the parts thereof, bearings, gears, shift levers, speedometer drive.

14. Differential, standard and auxiliary with the actuating mechanism and parts thereof, including pinion and ring gears, and housings.

15. Drive shaft with the connecting actuating parts thereof, including bushings and universal joints.

16. Brake system, all types with actuating mechanism and parts thereof, including foot and hand brake levers, brake shoes, toggle joinings, pull rods, shafts, equalizers, springs, cylinders, tubes, tanks, and reserve tanks for fluid.

17. Lubrication system and parts thereof, including oil pumps and parts thereof, including connecting and attaching parts, filler and level plugs, grease cups, oil cleaners, individual fittings and parts thereof, central shot system and parts thereof.

18. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 either when specially packaged and sold as automotive parts by manufacturers of automotive parts or sold as replacement parts by manufacturers of motor vehicles or of assemblies designed for use only as automotive parts or accessories.

19. Hood, fenders, running boards, cowl-ing and connecting and attaching parts

thereof, including dual wheel fenders and fender splash guards.

20. Starting system and parts thereof, actuating mechanism, including starter, motor starter, wiring harness, switches, starting pedal rods, with the connecting and attaching parts.

21. Signal devices and parts thereof, including the actuating mechanism, buttons, and switches, horns, and buzzers, including connecting and attaching parts and wire harness, directional signals.

22. Lighting system and parts thereof, including switches and wire harness, lamps and posts, including auxiliary lighting equipment (except bulbs), resistance coils and parts thereof. Also beam headlights, fog, spot, trunk, fender, step and running or identification lighting equipment.

23. Electrical gauges and control equipment and parts thereof, including gasoline gauges, heat indicator, ammeter and other miscellaneous electrical gauges.

24. Mechanical equipment gauges, hydraulic or otherwise, including the instrument panel and with its connecting and attaching parts, gas tank gauges, water temperature gauges, oil circulation gauges, oil pressure indicator and other miscellaneous gauges.

25. Control equipment and parts thereof, including acceleration mechanism, choke rods, governors and parts thereof, windshield wiper control and attaching parts, carburetor heat control, speedometers and parts thereof.

26. Bumpers and bumper stops, guards, wings, and their connecting and attaching parts.

27. Bodies, cabs and component parts thereof, bodies designed exclusively for commercial vehicles and busses, including the attaching parts, but excepting glass and upholstery.

28. Rear view mirrors.

29. Body fittings and attachments, including wind lace or weather strip, cowl boards, sun visors, floor boards, foot rails, body hardware.

30. Miscellaneous auxiliaries, including running board plates, running board molding, spare tire locks, license plate frames, cigar lighter, etc.

31. Tourist trailer parts including trailer legs, hitches, coupling devices and running gears.

32. Parts for commercial motor vehicle trailers, tractors, including third axle attachments and auxiliary wheel units.

33. Portable power units including power take-offs, truck cranes, winches, transmission derricks, truck hoists, and compressors auto driven.

34. Reground crankshafts, rebored cylinders, repaired and rebuilt generators and starters and motors; relined brake shoes; overhauled and reconditioned carburetors, rebabbitted connecting rods, realigned main bearings, trued brake drums, rebuilt clutches, resurfaced cylinder heads, and refaced valves.

35. Motorcycle drive chains.

36. Motorcycle dispatch, tow, traffic, side, and service cars and their parts, accessories and subassemblies.

APPENDIX B—AUTOMOTIVE PARTS, SUBASSEMBLIES, AND ACCESSORIES EXCLUDED FROM THIS REGULATION

1. Batteries and battery separators.

2. Electric light bulbs, flares, flashlights.

3. Glass.

4. Goggles, riding belts, saddle bags and splashers, leg shields and windshields for motorcycles.

5. Rugs, carpets, fabrics, leather and mo-hair upholstery.

6. Bicycle accessories and parts.

7. Hoists, winches, derricks, and cranes not classified as automotive power units or auto driven.

8. Tire or car theft alarms including truck burglar alarms.

9. Luggage and baggage racks, roof rails, and coat rails.

10. Radios, radio aerials and controls.

11. Tires, tubes, tire covers and tire repair material including patches.

12. Automotive fabrics including cloth, fibre or leather seat covers.

13. Signs or insignia attachments including decalcomanias.

14. Automotive mechanical and electrical testing and maintenance equipment and supplies including but not limited to:

Garage equipment.

Small tools.

Expendable tools.

Tire gauges.

Chemical compounds.

Air pumps—hand or mechanical.

Lubricants and greases.

Brake fluids.

Anti-freeze solutions.

Rags.

Polishes.

Waxes.

15. Clocks, mileage clocks and movement recorders other than speedometers.

16. Castings, forgings or blanks before machining, threading or stamping operations have progressed to the point where they can be identified as automotive parts.

17. Farm machine equipment or parts and subassemblies especially designed or manufactured for farm equipment.

18. Road building equipment or parts and subassemblies especially designed or manufactured for road building equipment.

19. Marine engines or parts thereof when such engines or parts are especially designed for marine engines.

20. The following types of accessories:

Shades.

Screens.

Valances.

De-gassers.

Vents.

Ventilators.

Traction sanders.

Automatic doors.

Tarpaulins.

Fare boxes.

Fire hose.

Registering machines.

Fire extinguishers.

Skid chains, adjusters and links.

Sun visors and shields.

Cigarette lighters and ash receivers.

Hat holders.

Tissue dispensers.

Auto umbrellas.

Refrigeration and air conditioning equipment.

Rubber horn bulbs, floor mats and topping. Air cushions, mattresses, pillows, and bed conversions.

21. Bolts, nuts, screws and rivets as defined in Maximum Price Regulation 147 except those included in Item 18 of Appendix A.

22. Rubber and rubber products not listed on automotive parts, accessories or subassemblies price lists.

Effective date. This regulation shall become effective September 2, 1943.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13576; Filed, August 19, 1943; 4:26 p. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A, Supp. 1]

STOVES

§ 1432.69 *Supplement to Ration Order 9A.* The following supplement to Ration Order 9A, which is annexed to and made a part of § 1432.68, is hereby issued:

(a) *Table 1.* The table, referred to in section 3.7 (b) of Ration Order 9A, which is to be used in determining allowable inventories for dealers and distributors, is as follows:

Allowable inventory (to be assigned on basis of figures in applicable sales column)	Reported sales (1941 or 1942)							Allowable inventory (to be as- signed on basis of figures in applicable sales column)
	Heating stoves of following types				Cooking stoves of following types			
	Coal or wood	Oil (in emergency oil shortage area)	Oil (other than in emergency oil shortage area)	Gas	Coal or wood	Oil	Gas	
1	1-2	1-14	1-7	1-7	1-4	1-7	1-14	
2	3-8	15-44	8-22	8-22	5-14	8-22	15-44	
3	9-16	45-82	23-41	23-41	15-27	23-41	45-82	
4	17-24	83-127	42-63	42-63	28-42	42-63	83-127	
5	25-32	128-164	64-82	64-82	43-54	64-82	128-164	
6	33-38	165-194	83-97	83-97	55-64	83-97	165-194	
7	39-44	195-224	98-112	98-112	65-74	98-112	195-224	
8	45-50	225-254	113-127	113-127	75-84	113-127	225-254	
9	51-56	255-284	128-142	128-142	85-94	128-142	255-284	
10	57-62	285-314	143-157	143-157	95-104	143-157	285-314	
11	63-68	315-344	158-172	158-172	105-114	158-172	315-344	
12	69-74	345-374	173-187	173-187	115-124	173-187	345-374	
13	75-80	375-404	188-202	188-202	125-134	188-202	375-404	
14	81-86	405-434	203-217	203-217	135-144	203-217	405-434	
15	87-92	435-464	218-232	218-232	145-154	218-232	435-464	
16	93-98	465-494	233-247	233-247	155-164	233-247	465-494	
17	99-104	495-524	248-262	248-262	165-174	248-262	495-524	
18	105-110	525-554	263-277	263-277	175-184	263-277	525-554	
19	111-116	555-584	278-292	278-292	185-194	278-292	555-584	
20	117-122	585-614	293-307	293-307	195-204	293-307	585-614	
21	123-128	615-644	308-322	308-322	205-214	308-322	615-644	
22	129-134	645-674	323-337	323-337	215-224	323-337	645-674	
23	135-140	675-704	338-352	338-352	225-234	338-352	675-704	
24	141-146	705-734	353-367	353-367	235-244	353-367	705-734	
25	147-152	735-764	368-382	368-382	245-254	368-382	735-764	
26	153-158	765-794	383-397	383-397	255-264	383-397	765-794	
27	159-164	795-824	398-412	398-412	265-274	398-412	795-824	
28	165-170	825-854	413-427	413-427	275-284	413-427	825-854	
29	171-176	855-884	428-442	428-442	285-294	428-442	855-884	
30	177-182	885-914	443-457	443-457	295-304	443-457	885-914	
31	183-188	915-944	458-472	458-472	305-314	458-472	915-944	
32	189-194	945-974	473-487	473-487	315-324	473-487	945-974	
33	195-200	975-1004	488-502	488-502	325-334	488-502	975-1004	
34	201-206	1005-1034	503-517	503-517	335-344	503-517	1005-1034	
35	207-212	1035-1064	518-532	518-532	345-354	518-532	1035-1064	
36	213-218	1065-1094	533-547	533-547	355-364	533-547	1065-1094	
37	219-224	1095-1124	548-562	548-562	365-374	548-562	1095-1124	
38	225-230	1125-1154	563-577	563-577	375-384	563-577	1125-1154	
39	231-236	1155-1184	578-592	578-592	385-394	578-592	1155-1184	
40	237-242	1185-1214	593-607	593-607	395-404	593-607	1185-1214	
41	243-248	1215-1244	608-622	608-622	405-414	608-622	1215-1244	
42	249-254	1245-1274	623-637	623-637	415-424	623-637	1245-1274	
43	255-260	1275-1304	638-652	638-652	425-434	638-652	1275-1304	
44	261-266	1305-1334	653-667	653-667	435-444	653-667	1305-1334	
45	267-272	1335-1364	668-682	668-682	445-454	668-682	1335-1364	
46	273-278	1365-1394	683-697	683-697	455-464	683-697	1365-1394	
47	279-284	1395-1424	698-712	698-712	465-474	698-712	1395-1424	
48	285-290	1425-1454	713-727	713-727	475-484	713-727	1425-1454	
49	291-296	1455-1484	728-742	728-742	485-494	728-742	1455-1484	
50	297-302	1485-1514	743-757	743-757	495-504	743-757	1485-1514	
(*)	If over 302 di- vide sales by 6	If over 1514 di- vide sales by 30	If over 757 di- vide sales by 15	If over 757 di- vide sales by 15	If over 504 di- vide sales by 10	If over 757 di- vide sales by 15	If over 1514 di- vide sales by 30	(*)

*If fraction amounts to 1/2 or more, it is to be counted as one stove.

This supplement shall become effective at 12:01 a. m. on August 24, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1-S, 8 F.R. 6018)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13580; Filed, August 19, 1943; 3:02 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 279]

HOPS

Maximum Price Regulation No. 279 is redesignated Revised Maximum Price

Regulation No. 279 and is revised and amended as follows:

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

§ 1351.1451 *Maximum prices for hops.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Re-

*Copies may be obtained from the Office of Price Administration.

vised Maximum Price Regulation No. 279 (Hops), which is annexed hereto and made a part hereof is hereby issued.

AUTHORITY: § 1351.1451 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 279—
HOPS

ARTICLE I—EXPLANATION OF THE REGULATION
Sec.

1. Purpose of the regulation.
2. Definitions.

ARTICLE II—PRICES AND PRICING METHODS

3. Maximum prices for baled hops.
4. Maximum prices for packaged hops.
5. Inability to fix maximum prices.
6. Discounts, allowances and commissions.
7. Exempt sales.
8. Export sales.
9. Adjustable pricing.

ARTICLE III—GENERAL PROVISIONS

10. Incorporation of the provisions of the General Maximum Price Regulation.
11. Records.
12. Compliance with the regulation.
13. Geographical applicability.
14. Petitions for amendment.

Article I. Explanation of the Regulation

SECTION 1. *Purpose of the regulation.* The purpose of this regulation is to establish maximum prices for sales of all varieties of Pacific Coast hops. This regulation does not apply to sales of hop oils, hop concentrates and other hop derivatives. The maximum prices for sales of those commodities are governed by the General Maximum Price Regulation. Sales of lupulin remain exempt from price control, and sales of New York State hops and packaged hops by sellers at retail other than packers are exempted from the provisions of this regulation.

SEC. 2. *Definitions.* When used in this Revised Maximum Price Regulation No. 279 the terms:

(a) "Hops" shall mean the dried cones (strobiles) of the cultivated varieties of hop plants (*humulus lupulus*).

(1) "Baled hops" shall mean hops compressed in bales containing more than 150 pounds dry weight of such hops.

(2) "Packaged hops" shall mean hops packed in containers holding not more than one pound dry weight of such hops.

(3) "Pacific Coast hops" shall mean hops produced in the States of California, Idaho, Oregon and Washington.

(4) "New York State hops" shall mean hops produced in the State of New York.

(5) "Grower" shall mean a person who produces hops on a farm or ranch (excluding grower dealers and grower cooperatives).

(b) "Dealer" shall mean a person whose business customarily includes the purchase of hops from growers for resale to the brewing trade generally and to brewers supply dealers, and who customarily maintains a permanent sales office and sales personnel for sales of hops to the brewing trade generally. The term shall not include the brewers supply dealer, but shall include the following:

(1) "Grower cooperative" which shall mean a non-profit organization acting on behalf of its grower members and selling hops produced by such members to brewers supply dealers or to the brewing trade generally; and

(2) "Grower dealer" which shall mean a person whose business includes the production of hops on farms and ranches and the purchase of hops from other growers; whose total annual sales of hops customarily include at least 35 percent (in pounds dry weight) of hops purchased from other growers; who customarily sells at least 50 percent (in pounds dry weight) of his total annual sales directly to brewers; and who customarily maintains a permanent sales office and sales personnel for sales of hops to the brewing trade generally.

(c) "Brewers supply dealer" shall mean a person who customarily resells hops to brewers; who prior to December 5, 1942 customarily and regularly engaged in the business of selling hops, diverse equipment, supplies or services to brewers; and whose annual sales of hops to brewers do not exceed 10 percent of his total annual sales of all commodities and services to brewers.

(d) "Packer" shall mean a person who packs hops in packages containing not more than one pound dry weight of such hops and shall include sellers of packaged hops which are packaged by a person to whom the seller supplies the hops for packaging.

Article II. Prices and pricing methods

SEC. 3. *Maximum prices for baled hops—*(a) *The maximum prices for sales of Pacific Coast baled seeded and seedless hops grown prior to the 1942 crop shall be as follows:*

(1) *Growers' maximum prices.* The grower's maximum price for sales of such hops shall be 43 cents per pound, f. o. b. grower's farm, warehouse or place of business.

(2) *Dealers' maximum prices.* The dealer's maximum price for sales of such hops shall be 51 cents per pound, f. o. b. Pacific Coast shipping point.

(3) *Brewers supply dealers' maximum prices.* The brewers supply dealer's maximum price for sales of such hops shall be 58 cents per pound, f. o. b. brewers supply dealer's local warehouse or place of business.

(4) *Brewers' maximum prices.* The brewer's maximum price for sales of such hops, f. o. b. his platform or warehouse, shall be his supplier's maximum price for the particular quantity of such hops to be priced hereunder, plus the amount of applicable transportation charges paid by the brewer.

(b) *Maximum prices for Pacific Coast baled and packaged hops of the 1942 crop.* (1) The maximum prices for sales by dealers, brewers supply dealers and brewers of Pacific Coast baled, regular seeded and seedless hops (to be priced separately) of the 1942 crop; and for sales by sellers (other than sellers at re-

tail who are not packers) of Pacific Coast packaged hops of the 1942 crop; shall be the highest price charged for such hops respectively by the particular dealer, brewers supply dealer, brewer and seller during the five days preceding December 5, 1942, f. o. b. his warehouse or place of business.

(2) "Highest price charged during the five day period" specified in (1) shall mean the highest price which the seller charged for a sale or delivery during the five day base period to a purchaser of the same class; or if the seller made no such sale or delivery during the five day base period his highest offering price for delivery during that period to a purchaser of the same class; or if the seller made no sale or delivery or had no offering price during the five day base period to a purchaser of the same class, the highest price charged during the base period to a purchaser of the same class by his most closely competitive seller.

(c) *Maximum prices for Pacific Coast baled hops of the 1943 crop—*(1) *Growers' maximum prices.* The grower's maximum prices for sales of Pacific Coast baled hops of the 1943 crop, f. o. b. grower's farm, warehouse or place of business, shall be the maximum price set forth below:

	Per pound
Seedless hops (not more than 3% of seeds by weight).....	\$0.74
Semi-seedless hops (more than 3% of seeds by weight but not more than 6% of seeds by weight).....	.69
Seeded hops (more than 6% of seeds by weight).....	.64

(2) *Dealers' maximum prices.* The dealer's maximum prices for sales of Pacific Coast baled hops of the 1943 crop, f. o. b. Pacific Coast shipping point, shall be the grower's maximum price in accordance with paragraph (1) for the particular quantity of hops to be priced hereunder, plus the amount of 9 cents per pound.

(3) *Brewers supply dealers' maximum prices.* The brewers supply dealer's maximum prices for sales of Pacific Coast baled hops of the 1943 crop, f. o. b. his local warehouse or place of business shall be:

(i) The grower's maximum price in accordance with subparagraph (1) for the particular quantity of hops to be priced hereunder, plus the amount of 9 cents per pound for such hops purchased by the brewers supply dealer from a grower, or

(ii) The dealer's maximum price in accordance with subparagraph (2) for the particular quantity of hops to be priced hereunder, plus the amount of 5 cents per pound for such hops purchased by the brewers supply dealer from a dealer.

(iii) The brewers supply dealer may add to the amounts determined at (i) or (ii) as the case may be, the applicable amount of transportation costs, not including local hauling and unloading charges, paid by the brewers sup-

ply dealer with respect to the particular quantity of hops to be priced hereunder.

(4) *Brewers' maximum prices.* The brewer's maximum price for sales of Pacific Coast baled hops of the 1943 crop, f. o. b. his platform or warehouse, shall be his supplier's maximum price for the particular quantity of such hops to be priced hereunder, plus the applicable amount of transportation charges paid by the brewer.

SEC. 4. *Maximum prices for packaged hops.* The seller's (other than sellers at retail who are not packers) maximum prices for sales of Pacific Coast packaged hops (except such hops of the 1942 crop), f. o. b. packing plant or seller's place of business, shall be the dealer's maximum price in accordance with the applicable provisions of section 3 for the particular crop year and type of hops to be priced hereunder, plus the amount of 8 cents per pound and the applicable amount of transportation charges paid by the seller with respect to the particular quantity of hops to be priced hereunder.

SEC. 5. *Inability to fix maximum prices.* If the seller's maximum price cannot be determined under the provisions of this regulation he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall set forth a statement of the facts which make it impossible for him to determine his maximum price under any of the provisions of this regulation. Until a maximum price is authorized by the Office of Price Administration, the applicant may not sell or deliver except under an agreement in each case to adjust the selling price to a figure no higher than the maximum price which is later established under this section.

SEC. 6. *Discounts, allowances and commissions—(a) Discounts and allowances.* Customary discounts, allowances or other price differentials shall be maintained by every seller subject to this regulation, but the prices subject to such discount, allowance or other price differential shall not exceed the maximum prices established by this regulation: *Provided*, That the seller shall not be required to maintain a discount for prompt payment which results in an allowance of more than \$.0075 per pound from his maximum prices established under section 3 (c) (2) or (3) or under section 4.

(b) *Brokers' and buying agents' commissions.* In the event that a seller of hops shall employ a broker or buying agent to sell or purchase hops respectively on his behalf, such seller may not add the broker's or buying agent's commissions to his maximum prices established under this regulation. In no case may any person charge or receive a

broker's commission on hops sold for his own account, or a buying agent's commission on the purchase of hops owned by himself.

SEC. 7. *Exempt sales.* This regulation shall not apply to:

- (a) Sales of New York State hops.
- (b) Sales of Pacific Coast baled hops of the 1942 crop by growers.
- (c) Sales of Pacific Coast packaged hops by sellers at retail other than packers.

SEC. 8. *Export sales.* The maximum prices at which any seller may export any hops subject to this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, as amended,¹ or other applicable regulations hereafter issued by the Office of Price Administration.

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization shall be given by order.

Article III. General Provisions

SEC. 10. *Incorporation of the provisions of the General Maximum Price Regulation.* Unless the context indicates otherwise the definitions set forth in the General Maximum Price Regulation² issued by the Office of Price Administration shall be applicable to like or similar terms used in this regulation.

SEC. 11. *Records.* Every seller, other than a grower who produces and sells less than 1000 pounds of hops (dry weight) annually, shall keep a record of every sale of hops subject to this regulation for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, showing the date of sale, the quantity sold, whether f. o. b. or delivered, the maximum prices and the name and address of the purchaser. Records shall be available for examina-

¹ 8 F.R. 4132, 5987, 7662.

² 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

tion by the Office of Price Administration at any reasonable time and upon request every such seller shall submit said records to the Office of Price Administration or keep additional records as the Office of Price Administration may from time to time direct.³

SEC. 12. *Compliance with the regulation—(a) No buying or selling above maximum prices.* On and after the effective date of this regulation, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell or deliver any hops as specified in this regulation, and no person in the course of trade or business shall buy or receive any such hops, at prices higher than the maximum prices established under this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing. However, prices lower than the maximum price may be charged or paid.

(b) *Evasion.* The maximum prices established under this regulation shall not be evaded whether by direct or indirect methods, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying agreement or other trade understanding; by any change of style of packing; by business practices relating to tare or packing, or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 13. *Geographical applicability.* The provisions of this regulation shall apply to the forty-eight States of the United States and the District of Columbia.

SEC. 14. *Petitions for amendment.* Persons seeking modification of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1⁴ issued by the Office of Price Administration.

This regulation shall become effective August 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

Approved: August 18, 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 43-13571; Filed, August 19, 1943; 2:54 p. m.]

³ All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

⁴ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,¹ Amdt. 33]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS: FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 280 is amended in the following respects:

1. Section 1351.807 (a) is amended to read as follows:

(a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Maximum Price Regulation 280 for fluid milk sold at wholesale, other than in glass or paper containers to stores, hotels, restaurants and institutions, in the case of any seller or group of sellers and may adjust any price so established for shell eggs sold at wholesale or retail in the case of any seller or group of sellers where it appears:

2. Section 1351.816 (a) (4) is amended to read as follows:

(4) (i) "Fluid milk" means raw or pasteurized liquid cows' milk resold for human consumption in fluid form.

(ii) "Fluid cream" means raw or pasteurized cream (derived from liquid cows' milk) resold for human consumption in fluid form.

3. Section 1351.816 (a) (11) is added to read as follows:

(11) "Handler" means any person who, on his own behalf or on behalf of others, purchases fluid milk from producers, associations of producers, or other handlers, and who sells such fluid milk at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants and institutions.

(i) A "producer" is also a handler with respect to that fluid milk purchased by him from other producers, associations of producers, or other handlers, which fluid milk is sold by him at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants and institutions.

(ii) A "farmers' cooperative" is also a handler with respect to that fluid milk processed for it by operators of milk receiving or processing plants, and with respect to that fluid milk handled in

physical facilities for receiving, processing or distributing fluid milk which are owned or leased by the cooperative, which fluid milk is sold by it at wholesale in bulk (other than in glass or paper containers), to any person, other than stores, hotels, restaurants, and institutions.

4. Section 1351.816 (a) (12) is added to read as follows:

(12) "Producer" means a farmer or other person or representative who owns, superintends, manages, or otherwise controls the operation of a farm on which fluid milk is produced. Farmers' cooperatives are producers with regard to all sales of fluid milk by them, except with respect to that fluid milk processed for them by operators of milk-receiving or processing plants and that fluid milk handled in physical facilities for receiving, processing or distributing fluid milk which are owned or leased by the cooperative.

5. Section 1351.817a is added to read as follows:

§ 1351.817a *Establishment of maximum prices for the sale or delivery by, and purchase from handlers of fluid milk—(a) Delegation of authority to Regional Offices.* (1) Notwithstanding any of the provisions of §§ 1351.801 and 1351.803 hereof, and subject to the limitations contained in subparagraph (2) of this paragraph (a), each Regional administrator is authorized

(i) To establish and adjust maximum prices for the sale or delivery by, and purchase from handlers of fluid milk resold for human consumption as fluid milk within the region of the Regional Administrator, and

(ii) To act upon requests made under paragraph (b) of this section and upon applications made under paragraph (c) of this section.

(2) The powers delegated to each Regional Administrator of the Office of Price Administration in subparagraph (1) of this paragraph (a) are subject to the following limitations:

(i) No Regional Administrator may establish or adjust a maximum price for the sale or delivery by, and purchase from handlers of fluid milk, which will conflict with the terms or provisions of any marketing agreement, license or order issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, establishing minimum prices for producers' sales of fluid milk.

(b) *Requests for establishment of maximum prices.* (1) Any handler or purchaser of fluid milk from a handler may communicate with the Regional

Office of the Office of Price Administration within whose region the fluid milk is resold for human consumption as fluid milk, and request that the Regional Administrator establish maximum prices for the sale or delivery by, and purchase from handlers of fluid milk at all or any number of places within the said region.

(c) *Applications for adjustment of maximum prices.* (1) Any person seeking an adjustment of a maximum price for the sale or delivery by, and purchase from handlers of fluid milk, established by a Regional Administrator pursuant to this section, may file an application for adjustment in accordance with Revised Procedural Regulation No. 1 where:

(i) The handler can not be reasonably expected to supply fluid milk on the basis of his maximum prices established pursuant to the provisions of this regulation, and

(ii) The adjustment will not tend to create in any locality a need for increases in prices established for fluid milk sold at retail or wholesale pursuant to the General Maximum Price Regulation, Supplementary Regulation 14A to the General Maximum Price Regulation, and Maximum Price Regulation No. 280, or any supplementary or adjustment order issued pursuant to the provisions thereof, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

This amendment shall become effective August 19, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13578; Filed, August 19, 1943; 4:27 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,¹ Amdt. 4]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 426 is amended in the following respects:

1. Appendix D entitled "Maximum Prices for Table Grapes" is added to Article III, section 15, to read as set forth below:

¹ 8 F.R. 9546, 9568, 9727, 10571, 10673.

*Copies may be obtained from the Office of Price Administration.

¹ F.R. 5165, 7566, 6357, 7196, 7599, 7670, 8065, 8180, 9521, 9386, 9883, 10513.

MAXIMUM PRICES FOR TABLE GRAPES¹

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. Shipping point for shipments out of California ²	Basing Point	Maximum prices at any wholesale receiving point for carlot or trucklot sales ³	Maximum prices for less than carlot or less than trucklot sales to any person except ultimate consumers ⁴
1	Grapes in lug boxes with a minimum net weight of 28 lbs. sold in the U. S. except in California.	Lug box.....	August 1-October 31..	\$2.05	Bakersfield, Calif.	\$2.20 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
2			November 1-December 31.	2.30	Bakersfield, Calif.	\$2.45 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
3			January 1-End of season.	2.60	Bakersfield, Calif.	\$2.75 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
4	Grapes in any container except lug boxes with a minimum net weight of 28 lbs. sold in the U. S. except California.	Pound.....	August 1-October 31..	.0725		Maximum price above (Item 1) divided by 28.	Maximum price for carlot or trucklot sales (Col. 7) plus 2¢ per lb.
5			November 1-December 31.	.0825		Maximum price above (Item 2) divided by 28.	Maximum price for carlot or trucklot sales (Col. 7) plus 2¢ per lb.
6			January 1-End of season.	.0925		Maximum price above (Item 3) divided by 28.	Maximum price for carlot or trucklot sales (Col. 7) plus 2¢ per lb.
7	Grapes in any container sold in the state of California for resale and consumption in California.	Pound.....	August 1-October 31..	None	None.....	8.0 cents per pound.....	10.0 cents per pound.
8			November 1-December 31.	None	None.....	9.0 cents per pound.....	11.0 cents per pound.
9			January 1-End of season.	None	None.....	10.0 cents per pound.....	12.0 cents per pound.

¹ If a grower makes a sale to an ultimate consumer, the maximum price for such sale shall be the ceiling price established under Col. 7 above for the particular market where such a sale is being made by the grower, multiplied by 1.40.

NOTE: The maximum prices at wholesale receiving points established in this appendix are intended to operate on the same basis as those set forth in Appendix A of this section for sales of lettuce. The examples and explanations of the operation of the regulation with respect to establishing prices at wholesale receiving points, set forth in Appendix A apply to the maximum prices for grapes.

² Includes all varieties except the following: Concord, Alicante, Aramon, Barberne, Burger, Burgundy, Carignane, Chianti, Cinsaut, Gregano, Grenache, Juice Malagas, Malvoisie, Mataro, Mission, Muscat, Petite Bouschet, Petite Sirah, Valdepena, Zinfandel.

³ Maximum price f. o. b. shipping point applies only to sales for shipment out of California. Sales for resale and consumption in California are not subject to control at f. o. b. shipping point.

⁴ Basing point price is to be used in determining the maximum price delivered at any wholesale receiving point for carlot or trucklot sales. Difference between maximum price f. o. b. shipping point and basing point price in the allowance for protective services and risk in transit. Maximum prices f. o. b. shipping point for shipment out of California are those listed in Col. 5. Maximum prices delivered at any wholesale receiving point for carlot or trucklot sales are determined by adding freight to the basing point prices listed in Col. 7.

⁵ Col. 8 does not apply to sales made l. c. l. at California shipping points for shipment out of California (See Col. 5).

The f. o. b. shipping point prices in Column 5 of this amendment shall become effective August 19, 1943. All other prices and provisions of this amendment shall become effective August 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

Approved:

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13575; Filed, August 19, 1943;
2:54 p. m.]

TITLE 7—AGRICULTURE Chapter XI—War Food Administration [FDO 22-4, Amdt. 1]

PART 1425—CANNED AND PROCESSED FOODS

CANNED VEGETABLES, CANNED FRUIT, AND CANNED VEGETABLE AND FRUIT JUICES RE- QUIRED TO BE SET ASIDE

Director Food Distribution Order 22-4, § 1425.6, issued by the Director of Food Distribution, War Food Administration, on May 18, 1943 (8 F.R. 6573), is amended by deleting Table 1 attached thereto and inserting in lieu thereof Table 1 attached hereto.

The provisions hereof shall be effective as of 12:01 a. m., e. w. t., August 11, 1943. With respect to violations of said Food Distribution Order 22-4, rights accrued, or liabilities incurred prior to the effective time hereof, said Food Distribution Order 22-4 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 22, 8 F.R. 2243)

Issued this 19th day of August 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

TABLE 1—CANNED FRUITS, VEGETABLES, AND FRUIT AND VEGETABLE JUICES

A	B	C	D	E	F	G	H	I
Product	Percentage of base pack			Type, style variety (sequence does not denote preference)	Grade preferences			Can size (sequence denotes preference)
	Specific reserve	Contingency reserve	Total (cols. B & C)		First	Second	Third	
Apples.....	42	8	50	Heavy pack.....	Standard.....	Fancy.....		10.
Apricots.....	50	7	57	Halved, unpeeled.....	Choice.....	Standard (fancy not desired).	Pie or water pack.....	10-2-1/4.
Berries ¹	29	4	33		Water pack.....	(2)		10.
Blueberries.....	42	5	47		Water pack.....	(3)		10.
Cherries, RSP.....	34	5	39	Water pack.....	Standard.....	(4)		10-2.
Figs.....	75	11	86	Kadota.....	Choice.....	Fancy.....		10.
Fruit cocktail.....	30	10	40		Choice.....	Fancy.....		10-2-1/4.
Grapefruit.....	19		19	Segments.....	Fancy.....	Choice.....	Broken.....	2.
Grapefruit juice.....	58		58	Sweetened, or unsweetened.....	Fancy.....	Standard.....		10-3 cyl.-2.
Orange juice (Florida).....	45		45	Sweetened, or unsweetened.....	Fancy.....	Standard.....		10-3 cyl.-2.

¹ Blackberries, boysenberries, loganberries, youngberries only. Percentage applies to combined pack of these four varieties.

² Syrup pack not desired.

TABLE 1—CANNED FRUITS, VEGETABLES, AND FRUIT AND VEGETABLE JUICES—Continued

A	B	C	D	E	F	G	H	I
Product	Percentage of base pack			Type, style variety (sequence does not denote preference)	Grade preferences			Can size (sequence denotes preference)
	Specific reserve	Continuity reserve	Total (eols. B & C)		First	Second	Third	
Orange juice (States other than Florida).	21	-----	21	Sweetened, or unsweetened.	Fancy	Standard	-----	10-3 cyl.-2.
Orange and grapefruit juice blended.	100	-----	100	Sweetened, unsweetened (50% orange) (50% grapefruit).	Fancy	Standard	-----	10-3 cyl.-2.
Peaches	41	6	47	Yellow clingstone halved or sliced. Freestone yellow—halved or sliced.	Choice	Top Std. ¹	-----	10-2 1/2.
Pears	53	7	60	Bartlett, halved.	Choice	Top Std. ²	Fancy	10-2 1/2.
Pineapple	44	6	50	Sliced, crushed, chunks, tidbits, (except cocktail tidbits).	Fancy	Choice	-----	10-2 1/2.
Pineapple juice	22	3	25	-----	Fancy	-----	-----	10-3 cyl.-2.
Asparagus	32	6	38	All green or culturally bleached.	Fancy cut	Fancy spear	-----	10-2.
Beans, lima	21	7	28	Fresh	Extra standard	Top standard ³	Fancy	10-2.
Beans, snap	21	4	25	Green, wax-cut	Extra standard	Top standard ³	Fancy	10-2 1/2.
Beets	20	6	26	Cut, quartered, diced, sliced	Fancy	Top standard ⁴	-----	10-2 1/2.
Carrots	49	9	58	Diced	Fancy	Top standard ⁴	-----	10-2 1/2.
Corn, sweet ⁵	15	5	20	White, yellow-cream style, whole kernel.	Fancy or Extra Std.	Top standard ²	-----	10-2.
Peas	20	3	23	Alaska—3,4, sieve; sweet—3 sieve and larger, ungraded.	Extra standard	Top standard ²	Fancy	10-2.
Pumpkin or squash	11	4	15	-----	Fancy	Top standard ⁴	-----	2-1/2.
Spinach	35	6	41	-----	Fancy	Top standard ⁴	-----	10-2 1/2.
Tomatoes	24	4	28	-----	Extra standard	Top standard ¹	Fancy	10-2 1/2.
Tomato catsup	47	9	56	-----	Fancy 29-33% solids.	Fancy 33% solids or over.	Fancy 25-29% solids.	10-3 cyl.-2 1/4; 14 oz. glass or larger.
Tomato juice	36	7	43	-----	Fancy	-----	-----	10-3 cyl.-2.
Tomato puree	17	4	21	Heavy (minimum specific gravity—1.045).	Fancy	-----	-----	10.
Tomato paste	26	4	30	-----	Fancy	-----	-----	10-2 1/2.

¹ Top standard means 70-74 inclusive as defined in terms of U. S. grades.² Top standard means 80-84 inclusive as defined in terms of U. S. grades.³ Full inside enamel cans required. Number 10 cans to be used for whole kernel only.

[F. R. Doc. 43-13597; Filed, August 20, 1943; 11:14 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATION¹

COTTON GARMENT AND ALLIED INDUSTRIES, KNITTING, KNITWEAR, AND WOVEN UNDERWEAR INDUSTRY AND RAINWEAR INDUSTRY

Whereas, the prevailing minimum wage determinations for the Cotton Garment and Allied Industries, issued by me on June 20, 1942, for the Knitting, Knitwear, and Woven Underwear Industry, issued by me on March 30, 1943, and for the Rainwear Industry, issued by me on November 4, 1942, provide that learners may be employed at subminimum rates in accordance with the applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act which were in effect on the respective dates of issuance of said minimum wage determinations; and

Whereas, on June 12, 1943, the Administrator of the Wage and Hour Division issued Administrative Order No. 198, effective June 28, 1943, (I) amending the learner regulations of the Wage and Hour Division applicable to the employment of learners in the Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry, to conform to the following provisions, to be effective for the duration of the war emergency:

1. Special learner certificates may be issued upon individual applications of employers provided that it is satisfactorily shown that:

¹ Affects tabulation in § 202.2.

(a) Experienced labor is not available in the locality from which the employer customarily draws his labor supply;

(b) Learners are available for employment at the established subminimum learner wage rate;

(c) The issuance of a certificate will not tend to impair working or wage standards established for experienced workers in the industry;

(d) The issuance of such certificates will not create unfair competitive labor cost advantages;

(e) The number of learners applied for will not tend to impair the statutory minimum wage rate in such plant;

(f) The applicant's piece work or hourly wage rates yield average earnings to experienced workers substantially above the minimum wage rate.

2. The subminimum wage rate which may be provided in special learner certificates shall be not less than 35 cents per hour.

3. Authorization to employ a number or percentage of learners for labor turnover in excess of that provided in industry learner regulations, issued pursuant to § 522.4 of the regulations of the Administrator of the Wage and Hour Division and presently in effect, may be granted to the extent of the actual need of an individual applicant, when that need is due to an abnormal labor turnover resulting from the war emergency.

and (II) amending, as of June 28, 1943, certificates presently in effect in the aforesaid divisions of the Apparel Industry to conform to paragraph 2; and

Whereas it appears advisable, for the purpose of coordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to adopt the above amendments for the purposes of the afore-mentioned prevailing minimum wage determinations, insofar as said learner regulations of the Administrator of the Wage and Hour

Division are presently applicable to said minimum wage determinations,

Now, therefore, upon consideration of all the facts and circumstances, I hereby determine that learners may be employed at subminimum rates in the Cotton Garment and Allied Industries, Knitting, Knitwear, and Woven Underwear Industry, and Rainwear Industry, only in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, as amended on June 28, 1943, which I hereby adopt for the purposes of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after September 13, 1943, except that learners may be employed at subminimum rates, in accordance with the amended regulations of the Administrator of the Wage and Hour Division, on or after September 13, 1943, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

Dated: July 30, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-13601; Filed, August 20, 1943; 11:16 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

SUN RIVER PROJECT

REVOCATION OF CERTAIN LAND WITHDRAWAL

JULY 1, 1943.

The SECRETARY OF THE INTERIOR.

Sir: From recent investigations in connection with the Sun River Project, the withdrawal of the hereinafter described lands, withdrawn in the first and second forms prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by departmental orders of October 17, 1903 and February 27, 1911, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked: *Provided*, That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other order withdrawing or reserving the lands hereinafter listed.

SUN RIVER PROJECT, MONTANA
MONTANA PRINCIPAL MERIDIAN

T. 23 N., R. 1 W.,
Sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 35, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: August 4, 1943.

Fred W. JOHNSON,
*Commissioner of the General
Land Office.*

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
Assistant Secretary.

AUGUST 9, 1943.

[F. R. Doc. 43-13581; Filed, August 20, 1943;
9:43 a. m.]

Office of the Secretary.

[Order No. 1856]

ORDER TERMINATING APPOINTMENT OF OPERATING MANAGERS

AUGUST 18, 1943.

Orders have been issued terminating Government possession and control of the coal mines for which the persons listed in Appendix A have served as Operating Managers for the United States, and the mining companies have duly executed and delivered to the Administrator, Instrument No. 1, as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712).

Accordingly, I hereby order and direct that the appointments of the Operating Managers for the United States listed in

Appendix A, attached hereto and made a part hereof, be, and they are hereby, terminated.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of operating manager:	Name of mining company
F. N. Barnes.....	Barnes Coal & Mining Co.
Chas G. Gressang.....	Elk River Coal and Lumber Co.
C. C. Fay.....	Rail & Lake Coal Co.
Jos. Sheban.....	Sheban Mining Co.
H. Shuff.....	Shuff Coal Co.

[F. D. Doc. 43-13582; Filed, August 20, 1943;
9:56 a. m.]

[Order No. 1857]

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

AUGUST 18, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the war effort, and that it is practicable to terminate the possession and control of such mines.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE

Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; and *Provided further*, That except as other-

wise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of mining company:	Address
The Barnes Coal and Mining Co.	Box 277, Coshocton, Ohio.
Elk River Coal and Lumber Co.	150 East Broad St., Columbus, Ohio.
Rail and Lake Coal Co.	1306 Public Square Bldg., Cleveland, Ohio.
Sheban Mining Co.	North Lima, Ohio.
Shuff Coal Co.	Oneonta, Ala.

[F. R. Doc. 43-13583; Filed, August 20, 1943;
9:56 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 211]

WHOLESALE, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES

RESIGNATION AND APPOINTMENT TO INDUSTRY COMMITTEE

Acceptance of resignation from and appointment to Industry Committee No. 63 for the Wholesaling, Warehousing, and Other Distribution Industries.

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Boris Shishkin of Seminary, Virginia, from Industry Committee No. 63 for the Wholesaling, Warehousing, and Other Distribution Industries, and do appoint in his stead Marten Estey of Washington, D. C., as representative for the employees on such Committee.

Signed at New York, New York, this 18th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-13600; Filed, August 20, 1943;
11:16 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 2 Under Service Order 145]

UNION PACIFIC RAILROAD CO., ET AL.

REFRIGERATION OF POTATOES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, as amended (8 F.R. 11487), permission is granted for:

The Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, and the Illinois Central Railroad Company to accord standard refrigeration to PFE 14771, WRX 9590, PFE 29558, PFE 93003, and PFE 20803 containing potatoes from Fayette,

Idaho, consigned to the Quartermaster of the United States Army, at New Orleans, Louisiana.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13602; Filed, August 20, 1943;
11:24 a. m.]

[Special Permit 49, Amended Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Chicago, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona, California, Colorado, or Utah.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13603; Filed, August 20, 1943;
11:24 a. m.]

[Special Permit 50, Amended Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first order-

ing paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Peoria, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona, California, Colorado, or Utah, when destined to points on or east of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13604; Filed, August 20, 1943;
11:24 a. m.]

[Special Permit 51, Amended, Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at St. Louis, Missouri, or East St. Louis, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona, California, Colorado, or Utah, when destined to points on or east of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13605; Filed, August 20, 1943;
11:24 a. m.]

[Special Permit 52, Corrected, Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Decatur, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at any point or points in the States of Arizona, California, Colorado, or Utah, when destined to points on or east of the western border of the States of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13606; Filed, August 20, 1943;
11:24 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1823]

MARIA VIVAN, ET AL.

Re: Interest in compensation claim owned by Maria Vivan, Guido Vivan, Vittorio Vivan, and Anza Vivan.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Maria Vivan, Guido Vivan, Vittorio Vivan, and Anza Vivan is Pasiano Di Pordenone, Provincia di Udine, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

2. That Maria Vivan, Guido Vivan, Vittorio Vivan and Anza Vivan are the owners of the property described below;

3. That the property described as follows:

All right, title, interest, and claim of Maria Vivan, Guido Vivan, Vittorio Vivan, and Anza Vivan, in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan, under the common law and any Federal or State statutes, including but not limited to those arising under the Workman's Compensation Law of the State of Michigan, and any and all claims against the Waterway Construction Company, Detroit, Michigan, and any and all claims arising out of Workman's Compensation Policy No. 10508, issued by the Associated Indemnity Company, San Francisco, California, to the Waterway Construction Company, Detroit, Michigan, including but not limited to all rights of compensation, indemnity, proceeds, judgments, and, specifically, the right to file, prosecute, enforce and collect such claims, including but not limited to the right to file a claim with the Industrial Accident Board of the Department of Labor, State of Michigan, and the right to prosecute, enforce and collect such claim,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity, or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 17, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13594; Filed, August 20, 1943; 10:39 a. m.]

[Vesting Order 1982]

HANNA DESEBROCK

Re: Real property situated in Travis County, Texas, and a bank account owned by Hanna Desebrock.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Hanna Desebrock is a resident of Germany, whose last known address is Mittleweg 120, Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Hanna Desebrock is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. Real property situated in Travis County, Texas, particularly described as Lots Seven (7), Eight (8), and Nine (9) of Block Eighteen (18), Christian and Fellman Addition in the City of Austin, Texas, together with all the fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Hanna Desebrock and of every other national of a designated enemy country in and to the contract of sale entered into between Hanna Desebrock, by Frederick G. von Rosenberg, Agent, as seller, and Grace K. Knelle Prinzling, as purchaser, dated March 3, 1941, and the contract of sale entered into between Hanna Desebrock by Frederick G. von Rosenberg, Agent, as seller, and Nell H. Wilson, as purchaser, dated March 3, 1941, wherein in consideration of certain payments made by the purchaser, the seller agreed to convey title to the real estate hereafter described, and all right, title, interest and estate both legal and equitable, of Hanna Desebrock, and of every other national of a designated enemy country in and to the real property situated in Travis County, particularly described as Lots Eight (8) and Nine (9), Block Nineteen (19), Christian and Fellman Addition, in the City of Austin, Texas, together with all the fixtures, improvements and appurtenances thereto, and any and all claims of Hanna Desebrock and of every other national of a designated enemy country for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title, interest and claim of any name or nature whatsoever of Hanna Desebrock, and of every other national of a designated enemy country, in and to any and all obligations contingent or otherwise and whether or not matured owing to her by American National Bank, Austin, Texas, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including particularly the account in said bank which is due and owing to and held for Hanna Desebrock in the name of Mrs. Hanna Desebrock, by Frederick G. von Rosenberg, Agent, is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-c is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraphs 3-a and 3-b) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 12, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13596; Filed, August 20, 1943; 10:39 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Rev.-50]

ATLANTIC COAST FREIGHT LINES, INC., ET AL.

COORDINATED OPERATIONS IN OVER-THE-ROAD AND COLLECTION AND DELIVERY SERVICE

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Atlantic Coast Freight Lines, Inc. and W. T. Cowan, Inc., of Baltimore, Maryland, and B. & E. Transportation Co., Inc., of New York City, New York, common carriers, pursuant to General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and General Order ODT 6A (8

F.R. 8757), a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the carriers propose, by the plan, to coordinate their operations as common carriers of property by motor vehicle by utilizing the equipment and facilities, wherever consistent with the operations and schedules, of each other; by diverting shipments to each other for transportation between common points, which transportation by the diverting carrier would require the operation of a partially laden vehicle in over-the-road service; and by diverting shipments to each other, the transportation of which is required in collection and delivery service, over duplicate routes in the Cities of Baltimore, Maryland, New York City, New York, Philadelphia, Pennsylvania, Trenton and Newark, New Jersey, and Washington, D. C., and immediate environs thereof, in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under,

the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carrier's possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-50" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective August 18, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director,

Office of Defense Transportation.

[F. R. Doc. 43-13584; Filed, August 20, 1943;
10:15 a. m.]

[Supplementary Order ODT 3, Rev.-52]

COOK AND FULMER AND NORTHERN PACIFIC
TRANSPORT COMPANY

COORDINATED OPERATIONS BETWEEN BUTTE
AND DRUMMOND, MONTANA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Bruce Cook and Harry W. Fulmer, doing business as Cook and Fulmer, Billings, Montana, and Northern Pacific Transport Company, Billings, Montana, to facilitate compliance with the requirements of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between Butte and Drummond, Montana, and intermediate and off-route points, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary

in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

¹Filed as part of the original document.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-52" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective August 18, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-13585; Filed, August 20, 1943;
10:15 a. m.]

PRIVATE CARRIERS OF PROPERTY BY MOTOR VEHICLE

RECOMMENDATION OF JOINT ACTION PLAN BY ITHACA, NEW YORK, FLORISTS

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), I. Altschuler, doing business as Bool's Flowerdale, W. C. Lockwood, doing business as Lockwood Gardens—Florists, R. H. Lounsbery, doing business as Lounsbery Flowers, and Harold A. Pratt, doing business as Pratt's Flower Shop, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Ithaca, New York.

The four participants, comprising all of the florists of Ithaca and its immediate environs, plan to eliminate wasteful operations in the transportation and delivery of flowers and related articles by pooling the use of their trucks. Each of the participants will make one delivery of his own merchandise in each week, and in connection therewith will deliver merchandise for the other three participants: *Provided*, That the delivering participant will not make any deliveries forbidden or prohibited by any general or other order of the Office of Defense Transportation applicable to the transportation performed by the participants. In order that the delivering participant will be partly compensated in proportion to the number of packages being delivered, the other three participants will pay for such deliveries at the rate of 10¢ per package. Only those packages having a minimum retail value of \$1.50 and which comply with the size and weight requirements of General Permit ODT 17-25 will be offered for delivery. No additional retail truck-deliveries or call backs will be made; the trucks of each of the four participants will be used for retail delivery only on one day in each week. The participants

waive the privilege provided in General Permit ODT 17-25 of making a second delivery to hospitals during any one week. It is estimated that effectuation of the plan will result in a savings of approximately 1,700 truck miles per month. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 14th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-13586; Filed, August 20, 1943;
10:15 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order No. 1 Under MPR 293]

STOCK MILLWORK ADJUSTABLE PRICING

Revision of Maximum Price Regulation No. 293, Stock Millwork, is now pending. It has been shown that authorization to use adjustable pricing, pending action on the petition, is necessary to promote production and distribution of the commodities involved and that the granting of such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. Therefore, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328 and in accordance with § 1413.58 (c), *It is ordered*:

(a) Persons subject to Maximum Price Regulation No. 293 may sell and deliver or buy and receive stock millwork at prices adjustable to those established by Revised Maximum Price Regulation No. 293 when issued by the Office of Price Administration.

(b) This order shall be automatically revoked upon the issuance of Revised Maximum Price Regulation No. 293.

This order shall become effective August 19, 1943.

Issued this 19th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13570; Filed, August 19, 1943;
3:03 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 19, 1943.

Order Number and Name

RMPR 122, Order 48, DeBardeleben Coal Co.
MPR 136, Order 91, Naumer Electric Co.
MPR 149, Order 5, Brunswick-Balke-Collender Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial & Reference Section.

[F. R. Doc. 43-13616; Filed, August 20, 1943;
11:32 a. m.]

Regional, State, and District Office Orders

[Region I Order G-1 Under 3 (c)]

USED UMBRELLA FRAMES IN NEW ENGLAND

Order No. G-1 under § 1499.3 (c) of the General Maximum Price Regulation. For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.3 (c) of the General Maximum Price Regulation and by General Order No. 32, *It is hereby ordered*, That:

(a) Whenever a person selling or offering to sell at wholesale or retail used umbrella frames is unable to determine the maximum price for such frames under § 1499.2 or § 1499.3 (a) of the General Maximum Price Regulation, the maximum price at which any such person may sell or deliver such frames shall not exceed an amount equal to the applicable price for such frames as set forth in the following table, on a net f. o. b. seller's location basis:

USED UMBRELLA FRAMES	
Number of ribs:	Maximum price for frame
16.....	25 cents.
7, 8 or 10.....	19 cents.

(b) As used in this order, "used umbrella frame" means a used umbrella frame the ribs of which are neither bent nor broken, provided that a frame which includes an undamaged cover shall not be considered a "used umbrella frame." The mere fact, however, that a frame includes a handle or a damaged cover, or both, shall not prevent such frame from being a "used umbrella frame."

(c) This order applies to all wholesale and retail sales made by sellers located in New England of used umbrella frames, except sales exempted under the provisions of Supplementary Regulation No. 1 to the General Maximum Price Regulation.

(d) In all particulars not specifically covered or excepted by this order sellers shall remain subject to the provisions of the General Maximum Price Regulation.

(e) This order is subject to revocation or amendment by the Office of Price Ad-

ministration at any time, either by special order, or by any Price Regulation issued hereafter, or by any supplement or amendment hereafter issued to any Price Regulation, the provisions of which may be contrary hereto.

(f) This order shall become effective July 13, 1943, at 12:01 a. m.

Issued this 12th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13545; Filed, August 19, 1943;
11:23 a. m.]

[Region I Order G-12 Under 18 (c),
Correction]

FLUID MILK IN MASSACHUSETTS

Correction to Order No. G-12, as amended, under section 18 (c) of the General Maximum Price Regulation. Special sales of fluid milk in Massachusetts (formerly Price Order 12, as amended).

The maximum price set forth in the third column of the schedule in section (2) in the line which reads as follows:

Schools	Contractors	Price
139	H. P. Hood & Sons.....	0.0225

is corrected so that such line shall read as follows:

Schools	Contractors	Price
139	H. P. Hood & Sons.....	0.0225

This correction shall become effective as of February 1, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 13th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13548; Filed August 19, 1943;
11:24 a. m.]

[Region I Order G-14 Under 18 (c), Amdt. 3]

FIREWOOD IN MASSACHUSETTS

Amendment No. 3 to Order No. G-14 under section 18 (c) of the General Maximum Price Regulation. Hardwood-cordwood and firewood in Massachusetts (formerly General Order No. 14).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, that subdivision (vi) be added to paragraph (a) (2), that paragraph (a) (4) be amended, and that subparagraph (3) of paragraph (g) be added, to read as set forth below:

- (a) * * *
- (2) * * *

(vi) "Carrying" or "carry" means the service performed by the seller, at the buyer's request, of placing wood in bas-

No. 100—G

kets and carrying it from the delivery vehicle to a point on the buyer's premises designated by the buyer.

(4) *Service charges.* (i) A service charge may be added by the seller if, at the buyer's request, the seller shall carry the wood into the buyer's house or into any of his covered outbuildings, or to any other point on the buyer's premises designated by the buyer, as follows: A charge of \$2.50 per full cord or "cut-up" cord; \$1.50 per half cord or "cut-up" cord; \$1.00 per quarter cord or "cut-up" cord; and \$.75 per eighth cord or "cut-up" cord.

(ii) A service charge, in addition to the charge specified in subdivision (i) hereof, may be added by the seller if, at the buyer's request, the seller shall neatly stack or pile the wood at a spot on the buyer's premises designated by the buyer, as follows: A charge of \$1.50 per full cord or "cut-up" cord; \$1.00 per half cord or "cut-up" cord; and \$.50 per quarter cord or "cut-up" cord.

(iii) No carrying charge may be added to the maximum price for sales and deliveries of quantities of less than one-eighth cord or "cut-up" cord, and no stacking or piling charge may be added to the maximum price for sales and deliveries of less than one-quarter cord or "cut-up" cord.

(g) * * *

(3) Amendment No. 3 shall become effective July 8, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13549; Filed, August 19, 1943;
11:23 a. m.]

[Region I Order G-16 Under 18 (c), MPR 280,
MPR 329, Amdt. 6]

FLUID MILK IN MASSACHUSETTS

Amendment No. 6 to Order G-16 under section 18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid milk in the Commonwealth of Massachusetts (formerly General Order 16).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, by § 1351.807 of Maximum Price Regulation No. 280, and by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered*, That subparagraph (7) of paragraph (b) be amended, and that subparagraph (6) of paragraph (i) be added, to read as set forth below:

- (b) * * *

(7) All other customary deposit charges and price differentials for special milk, including but not limited to Grade A milk, flavored milk, trade marked milk,

and milk of specially high butterfat content, or for milk distributed in special types of glass bottles, which any seller (or purchaser from a producer) had in effect during the base period, may be added to the maximum prices for standard milk as fixed in this order. The base period to be used for computing all such differentials shall be:

(i) For sales of fluid milk subject to the General Maximum Price Regulation, March, 1942.

(ii) For sales of fluid milk subject to Maximum Price Regulation 280, the period September 28, 1942, to October 2, 1942, inclusive.

(iii) For purchases of fluid milk from producers subject to maximum Price Regulation 329, January, 1943.

(1) * * *

(6) Amendment No. 6 shall become effective July 14, 1943, at 12:01 a. m.

Issued this 13th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13550; Filed, August 19, 1943;
11:22 a. m.]

[Region I Order G-22 Under 18 (c), MPR 280, and MPR 329, Amdt. 3]

FLUID MILK IN VERMONT

Amendment 3 to Region I Order Number G-22 under § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation No. 280: "Prices for Specific Food Products", and § 1351.408 of Maximum Price Regulation No. 329: "Purchases of Milk from Producers for Resale as Fluid Milk". Fluid Milk in the State of Vermont.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment 33, by § 1351.807 of Maximum Price Regulation 280 and by § 1351.408 of Maximum Price Regulation 329: *It is hereby ordered*, That section (a) (8) be amended and that subsection (3) be added to section (f), to read as set forth below:

- (a) * * *

(8) The maximum prices fixed in this order for standard milk shall be applicable whether the milk is pasteurized or raw, except that where pasteurized milk is delivered by a seller in a market other than the one in which its principal place of business is located, its maximum price for such milk shall be the maximum price for such milk in the market in which its principal place of business is located if such price is higher than that in the market in which it delivered the milk. Any purchaser which resells such pasteurized milk may increase its maximum price therefor by the exact amount of the increase in the cost of such milk to it effected by this subsection (8).

* * *

(f) * * *

(3) Amendment 3 shall become effective July 14, 1943, at 12:01 a. m.

Issued this 13th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13551; Filed, August 19, 1943;
11:24 a. m.]

[Region VI Order G-84 Under 18 (c)]

MILK IN WEST BEND AND BARTON, WISC.
Order No. G-84 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for West Bend and Barton, Wisconsin.

For reasons set forth in an Opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation: *It is hereby ordered:*

(a) *Maximum Prices:* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the West Bend and Barton, Wisconsin, area are hereby established as follows:

	Wholesale	Retail
Regular standard milk:	<i>Cents</i>	<i>Cents</i>
Gallons.....	35	30
Quarts.....	10	12
Pints.....	5½	6½
Half pints.....	4	5
Guernsey Grade A milk:		
Quarts.....	12	14
Pints.....	6½	7½
Chocolate milk:		
Quarts.....	11	13
Pints.....	6	7
Half pints.....	4	5
Buttermilk:		
Quarts.....	8	10
Pints.....	5	6
Half pints.....	4	5

2. Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions:* For the purposes of this order:

1. Sales and deliveries within the West Bend and Barton, Wisconsin area shall mean:

i. All sales and deliveries made within the city limits of West Bend and Barton, Wisconsin and within an area of two miles of the city limits thereof; and

ii. All sales and deliveries by any seller at or from an establishment the greater part of whose dollar volume of sales of fluid milk to buyers other than army camps and other institutional users is made to purchasers within the cities' areas defined in (i) above; and

iii. All sales and deliveries of fluid milk by any seller at retail at or from an establishment outside the area defined in (i) above and obtaining the major portion of its supply of milk from sellers at wholesale falling within subdivision (ii), above.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13554; Filed, August 19, 1943;
11:22 a. m.]

[Region VII Order G-6 Under Rev. MPR 122]

BITUMINOUS COAL IN JACKSON AREA OF WYOMING

Order No. G-6 under Revised Maximum Price Regulation No. 122. Specific maximum prices for bituminous coal sold and delivered by dealers in the Jackson Area of the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.259 (1) of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered:*

(a) *Action taken.* From and after the effective date hereof the maximum prices of dealers and sellers of bituminous coal of the kind and sizes as specified in the Jackson area of the State of Wyoming shall be as set forth below.

(b) *Specific maximum prices established by this order.* Prices for bituminous coal produced in Sub-District 2 of District 19 when sold and delivered by any person in the Jackson area shall be as follows:

- (1) Treated stoker slack coal, size 1½" and under—\$8.00 per ton.
- (2) Nut coal, size 3" x 1½"—\$9.75 per ton.
- (3) Lump coal, size 3" and over—\$10.25 per ton.

(c) *Definitions.* (1) "Jackson area" means all of the area lying within the corporate limits of the municipality of Jackson, Wyoming, and extending a distance of 3 miles beyond at all points.

(2) "Free delivery zone" means all that part of the Jackson area in which the seller customarily delivered coal without extra charge during the period of December, 1941.

(3) "Delivery charge" means the sum which a seller customarily charged during the period of December, 1941, for making delivery beyond his free delivery zone.

(d) *Free deliveries and delivery charges.* (1) A dealer or seller shall not make any charge for delivering bituminous coal to any buyer within the

Jackson area if during the period of December, 1941, he customarily made such delivery without extra charge.

(2) A dealer or seller shall not charge more for making delivery of bituminous coal at any place in the Jackson area than he customarily charged for making such delivery during the month of December, 1941.

(e) *Price adjustment to cover authorized increase in supplier's maximum price.* Any dealer or seller may add to the maximum prices hereby established for the kind and sizes of coal specified any increased cost which he may hereafter be required to pay his supplier for such bituminous coal over the present maximum prices of his supplier f. o. b. mine or producing facility: *Provided, however,* That within ten days after any seller subject to this order has adjusted upward his maximum price for bituminous coal upon the ground that an authorized mine cost increase has occurred, he shall report to the Denver Regional Office of the Office of Price Administration the new price so determined, together with a full and complete statement as to the manner in which he computed same and a written statement by his supplier certifying over his signature that such increase in mine cost has actually occurred.

(f) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(g) *Effective date.* This order shall become effective on July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 7th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13546; Filed, August 19, 1943;
11:21 a. m.]

[Region VII Order G-6 Under Rev. MPR 122, Amdt. 1]

BITUMINOUS COAL IN JACKSON AREA OF WYOMING

Order No. G-6 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Specific maximum prices for bituminous coal sold and delivered by dealers in the Jackson Area of the State of Wyoming.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.259 (1) of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, this Order No. G-6 is hereby amended as follows:

1. Paragraph (e) of this order is hereby revoked.

2. This amendment shall become effective as of July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681)

Issued this 14th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13547; Filed, August 19, 1943;
11:21 a. m.]

[Region VIII Order G-27 Under 18 (c)]

FLAXSEED TRANSPORT BETWEEN CERTAIN POINTS IN CALIFORNIA

Order No. G-27 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Adjusted maximum prices for the transportation of flaxseed by motor carriers other than common carriers between certain points in California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation: *It is hereby ordered:*

(a) The adjusted maximum price which may be charged by any carrier other than a common carrier for the service of transporting flaxseed by motor truck from any roadside point in Imperial County, California, to the plant of any processor in the Counties of Los Angeles and Orange, California, is established to be \$4.75 per ton.

(b) This order may be amended, revoked, or corrected at any time.

(c) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13552; Filed, August 19, 1943;
11:20 a. m.]

[Region VIII Order G-28 Under 18 (c)]

FIREWOOD IN YAKIMA COUNTY, WASH.

Order No. G-28 under section 18 (c) of the General Maximum Price Regulation. Certain firewood in Yakima County, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 18 (c) as Amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in Yakima County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby modified so that the maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum price for the sale of the specified kinds of firewood cut to 24" or less shall be:

1. For sales delivered to the premises of the consumer in the city of Yakima or in the area within five miles of the corporate limits thereof,

- (i) Fir forest wood, old or second growth, green or dry \$14.25 per cord
- (ii) Apple wood, green or dry \$15.00 per cord

2. For sales by a dealer, f. o. b. dealer's yard or place of business in the city of Yakima or in an area within five miles of the corporate limits thereof,

- (i) Fir forest wood, old or second growth, green or dry \$12.50 per cord
- (ii) Apple wood, green or dry \$13.00 per cord

3. For sales to a dealer, delivered to the dealer's yard or place of business in the city of Yakima or in the area within five miles of the corporate limits thereof,

- (i) Fir forest wood, old or second growth, green or dry \$11.00 per cord
- (ii) Apple wood, green or dry \$11.00 per cord

4. For sales to any person delivered on the ground in the woods within Yakima County, Washington,

- (i) Fir forest wood, old or second growth, green or dry \$8.25 per cord
- (ii) Apple wood, green or dry \$9.00 per cord

(c) The maximum prices established in paragraph (b) 4 are applicable only to firewood produced from standing or fallen trees or logs and sold in the near vicinity of the point of production.

(d) No seller shall evade any of the provisions of this Order No. G-28 by changing the customary allowances, discounts, or other price differentials.

(e) This order may be revoked, amended, or corrected at any time.

This order shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July, 1943.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-13553; Filed August 19, 1943;
11:19 a. m.]

[Region I Order G-14 Under 18 (c), Corr. to Amdt. 3]

FIREWOOD IN MASSACHUSETTS

Correction of Amendment No. 3 to Order G-14 under section 18 (c) of the General Maximum Price Regulation. Hardwood-cordwood and firewood in Massachusetts (formerly General Order No. 14).

The reference to subdivision (vi) of paragraph (a) (2), wherever it appears in Amendment No. 3, is corrected to refer to subdivision (vii) of paragraph (a) (2).

This correction shall become effective as of July 8, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of July 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-13625; Filed, August 20, 1943;
11:34 a. m.]

[Region VI Order G-10 Under MPR 329]

MILK IN PEORIA, ILLINOIS AREA

Order G-10 under Maximum Price Regulation No. 329. Purchase of milk from producers for resale as fluid milk. Adjustment of producers' milk prices in the Peoria, Illinois area.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Ad-

ministration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) *What this order does.* This order establishes maximum prices which Peoria distributors may pay to producers for graded milk. Paragraph (b) of the order provides a basic maximum price which may be paid to any producer by any Peoria distributor. Paragraph (c) provides a premium price which may be paid only to certain producers. Paragraph (d) sets forth the producers to whom the premium price may be paid. No purchases of milk may be made at prices higher than the maximum prices established by this order. Lower prices may be paid.

(b) *Basic maximum price.* Any Peoria distributor may pay to any producer for graded milk a price of \$2.85 per cwt.

(c) *Premium price.* In addition to the basic maximum price, a premium or premiums may be paid to certain producers by Peoria distributors who during January 1943 paid such premiums. The payment of such premiums shall, however, in no event make the total price higher than \$3.05 per cwt.

(d) *To whom premiums may be paid.* No distributor may pay any premium which will bring the total price above the basic price of \$2.85 per cwt. to any producer except:

1. A producer who during the period from May 15, 1943 to July 15, 1943 regularly sold and delivered graded milk to the distributor paying such premiums; and

2. A farmer who prior to the payment of any such premium produced no graded milk.

(e) *Transportation costs.* The maximum prices herein established are prices f. o. b. bottling plant or customary receiving station. No part of any cost of transportation from farm to bottling plant or customary receiving station may be borne by the buyer if the effect thereof will be to increase the total price beyond the maximum prices herein established.

(f) *Adjustments for varying butterfat content.* The prices provided in this order refer to milk having a butterfat content of 3.5%. To these prices may be added 5¢ for each one-tenth of a pound of butterfat in excess of 3.5%; and from these prices must be deducted a minimum of 5¢ for each one-tenth of a pound of butterfat below 3.5%.

(g) *Definitions.* As used in this order:

(1) "Producer" shall mean any farmer or other person including any association of producers, selling graded milk to distributors.

(2) "Graded milk" shall mean milk produced under sanitary conditions meeting all requirements of the City of Peoria or the requirements of the U. S. Army for type 2 no. II milk, sold for human consumption.

(3) "Premium" means any monies paid as an inducement to a producer for the purpose of increasing the total graded milk production or the butterfat content of graded milk. It does not include any monies paid for color.

(4) "Peoria distributors" means distributors of milk for consumption in fluid form whose bottling establishments

are located within Peoria or Tazewell counties, Illinois.

(5) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 302 of the Emergency Price Control Act of 1942 as amended, shall be applicable to the terms used herein.

(h) This order may be amended, corrected or revoked at any time. This order shall be effective as of July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of July 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13626; Filed, August 20, 1943;
11:34 a. m.]

[Region VI Order G-80 Under 18 (c) and
MPR 329]

FLUID MILK IN LA CROSSE, WISCONSIN

Order No. G-80 under § 1499.18 (c) of the General Maximum Price Regulation and Under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Adjustment of fluid milk prices for La Crosse, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, and by § 1351.408 of Maximum Price Regulation No. 329, it is ordered:

(a) *Revocation of previous order.* Order No. G-5, as amended, issued under Maximum Price Regulation No. 329, is hereby revoked and superseded by this Order No. G-80.

(b) *Maximum producer prices.* The maximum price for milk sold for human consumption in fluid form which may be paid to producers by distributors selling milk in La Crosse, Wisconsin, shall be \$2.90 per cwt. for 3.5 percent milk plus 5¢ for each $\frac{1}{10}$ of a pound of butterfat in excess of 3.5 percent and less 5¢ for each $\frac{1}{10}$ of a pound of butterfat below 3.5 percent.

(c) *Maximum distributor prices.* The maximum price for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the La Crosse, Wisconsin area shall be:

	Wholesale	Retail
Guernsey milk:		
Quarts.....	11	14
Standard milk and homogenized milk:		
Gallons.....	44	-----
Quarts.....	11	13
Pints.....	6	7
$\frac{1}{2}$ pints.....	3½	5
Vitamin "D" milk:		
Quarts.....	12	13
Buttermilk:		
Gallons.....	12	15
$\frac{1}{2}$ Gallons.....	6	8
Quarts.....	4	5
Skim milk:		
Gallons.....	18	23
$\frac{1}{2}$ Gallons.....	10	12
Quarts.....	5	7

(d) *Definitions* For the purposes of this order:

(1) Sales and deliveries within the La Crosse, Wisconsin area shall mean:

(i) All sales made within the city limits of La Crosse, Wisconsin and all sales at or from an establishment located in La Crosse, Wisconsin; and

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within La Crosse, Wisconsin.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, bottled, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this Order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(e) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(f) This order may be revoked, amended or corrected at any time. This order shall become effective July 21st, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

R. S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13617; Filed, August 20, 1943;
11:32 a. m.]

[Region VI Order G-81 Under 18 (c)]

FLUID MILK IN MASCOUTAH, ILLINOIS

Order No. G-81 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Mascoutah, Illinois.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum prices.* (1) Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Mascoutah, Illinois area, as hereinafter defined, are hereby established as follows:

Regular milk	Wholesale	Retail
	Cents	Cents
Gallon.....	39	44
Quart.....	11	13
Pint.....	6	6½
$\frac{1}{2}$ Pint.....	3	5

(2) Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple sales unless separate collections are made for single units delivered.

(b) *Definitions:* For the purposes of this order:

(1) Sales and deliveries shall mean:

(i) All sales and deliveries made within the city limits of Mascoutah, Illinois and all sales by sellers located in Mascoutah, Illinois; and

(ii) All sales of fluid milk by any seller at retail at or from an establish-

ment obtaining the major portion of its supply of milk from a seller at wholesale located within Mascoutah, Illinois; and

(iii) Notwithstanding the provisions of any other order issued by the Regional Administrator, the maximum prices herein provided shall be the only prices applicable to sales of milk delivered within the above area.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July, 1943.

R. S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13618; Filed, August 20, 1943;
11:33 a. m.]

[Region VI Order G-82 under 18 (c) and
Under MPR 280]

FLUID MILK IN NEENAH AND MENASHA, WISCONSIN

Order No. G-82 under § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280, Adjustment of fluid milk prices for Neenah and Menasha, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and under § 1351.807 (a) of Maximum Price Regulation No. 280, it is hereby ordered:

(a) *Maximum prices:* 1. Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Neenah and Menasha, Wisconsin area are hereby established as follows:

	Wholesale	Retail
	Cents	Cents
Regular milk:		
Bulk-gallon.....	40	48
Gallon.....	20	25
Half-gallon.....	10½	12½
Quart.....	6	7
Pint.....	3	4
Half-pint.....	3	4
Chocolate milk:		
Quart.....	12	14
Pint.....	7	8
Half-pint.....	4	5
Buttermilk:		
Bulk-gallon.....	15	-----
Gallon.....	28	-----
Quart.....	8	10
Pint.....	6	-----

2. Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* For the purposes of this order:

(1) Sales and deliveries within the Neenah and Menasha, Wisconsin area shall mean:

(i) All sales made within the city limits of Neenah and Menasha, Wisconsin, and all sales at or from an establishment located in Neenah and Menasha, Wisconsin; and

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Neenah and Menasha, Wisconsin.

(2) "Milk" shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

R. S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13619; Filed, August 20, 1943; 11:33 a. m.]

[Region VI Order G-83 Under 18(c)]

FLUID MILK IN CEDARBURG, WISCONSIN
Order No. G-83 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Cedarburg, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18(c) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Maximum prices.* (1) Maximum prices for sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Cedarburg, Wisconsin area, as hereinafter defined, are hereby established as follows:

	Wholesale	Retail
Regular milk:		
Gallons.....	38	42
Quarts.....	11	12
Pints.....		6½
Half-pints.....	3	
Chocolate milk:		
Quarts.....	11	12
12 ounces.....	4½	5½
Half-pints.....	3	
Buttermilk: Quarts.....		5

(2) Where the maximum prices set forth above are expressed in terms of a half cent, the price charged for a single unit at retail may be increased to the next even cent. Home deliveries at retail and all sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units delivered.

(b) *Definitions.* For the purposes of this order:

(1) Sales and deliveries shall mean:

(i) All sales and deliveries made within the city limits of Cedarburg, Wisconsin, and all sales by sellers located in Cedarburg, Wisconsin.

(ii) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Cedarburg, Wisconsin.

(2) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

(3) Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective July 21, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of July 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-13620; Filed, August 20, 1943; 11:32 a. m.]

[Region VII Rev. Order G-1 Under MPR 122]

BITUMINOUS COAL IN UTAH COUNTY, UTAH

Revised Order No. G-1 under Maximum Price Regulation No. 122. Revised order modifying prices for certain bituminous coal sold in Uintah County, Utah.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1340.257 (b) of Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, Order No. G-1 is redesignated Revised Order No. G-1 as above set forth and is amended to read as follows:

(a) *What this order does.* This order adjusts maximum prices for sales of bituminous coal produced in Subdistrict 17 of District 17 as defined in the Bituminous Coal Act of 1937, as amended, when delivered in Uintah County, Utah, by persons subject to Maximum Price Regulation No. 122 by reflecting in such adjustment the increased mine costs to the sellers in question since Order No. G-1 was issued on November 28, 1942.

(b) *Specific maximum prices.* The maximum prices for bituminous coal as described in paragraph (a) hereof when sold and delivered in Uintah County,

Utah, by persons subject to Maximum Price Regulation No. 122 shall be, subject to the exceptions stated below, as follows:

- (1) 6" Bituminous lump coal, \$6.35.
- (2) 1½"x6" Bituminous nut, \$5.85.
- (3) 1½"x0" Bituminous slack (oil), \$4.85.
- (4) 1½"x0" Bituminous slack (raw), \$4.60.

(c) *Exceptions.* (1) These prices shall not apply to sales of bituminous coal delivered to the purchaser from a mine or preparation plant in a truck or wagon owned by, or subject to the control of the producer of the bituminous coal, or of a distributor thereof, such sales being made subject to Maximum Price Regulation No. 120.

(2) Any seller who has established maximum prices under Maximum Price Regulation No. 122 that are higher than the prices fixed by this order, may continue to sell at such higher established maximum prices and the same shall not be modified or superseded by this order.

(d) *Customary discounts and allowances must be maintained.* Sellers affected by this revised order shall not change their customary allowances, discounts or other established price differentials unless such change results in a lower price.

(e) *Right to revoke or amend.* This revised order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(f) *Effective date.* This revised order shall become effective retroactively as of July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of July 1943.

CLEM W. COLLINS,
Regional Administrator.

[F. R. Doc. 43-13622; Filed, August 20, 1943; 11:34 a. m.]

[Region VIII Order G-4 Under MPR 165, Amdt. 1]

FOOD PACKING AND DRYING IN WEST COAST REGION

Amendment No. 1 to Order No. G-4 under Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, it is hereby ordered, That Order No. G-4 under Maximum Price Regulation No. 165 as amended be amended in the following particulars:

The portion of paragraph (a) which precedes subparagraph (1) thereof is amended to read as follows:

(a) The adjusted maximum price for the service of cleaning seed and for the service or services of packing, drying and dehydrating fruits (except citrus fruit and except apples and pears grown in the State of Washington), vegetables, or rice, including related services, but not including canning, sold and supplied by any person located in Region VIII, shall be the sum of the following:

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13623; Filed, August 20, 1943;
11:34 a. m.]

[Region VIII Order G-5 Under MPR 165]

CLEARING AND WEEDING SERVICE IN LOS ANGELES, CALIF.

Order No. G-5 under Maximum Price Regulation No. 165 as amended—Services.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165 as amended, *It is hereby ordered:*

(a) The maximum price which any person may charge the City of Los Angeles, California, for the service supplied to the City of Los Angeles of clearing lots and unoccupied land of weeds by the use of farm equipment as herein-after described, supplied and operated by the seller of the service, shall be the applicant's existing maximum price as established under Maximum Price Regulation No. 165 as amended, or the applicable adjusted maximum price set forth below, whichever is higher:

Adjusted maximum prices per hour

Crawler type tractors with equipment for plowing or discing, including equipment for transporting tractor from lot to lot:	
Rated 15 H. P. or less	\$3.00
Rated more than 15 H. P. but not more than 25 H. P.	4.50
Rated more than 25 H. P.	5.00
Pneumatic-tired tractors with equipment for plowing or discing	3.35
Pneumatic-tired tractors with equipment for mowing	3.50

(b) This order may be revoked, amended or corrected at any time.

(c) This order shall become effective upon its issuance and shall apply to services rendered on or after April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of July 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-13624; Filed, August 20, 1943;
11:34 a. m.]

[Boise Order G-1 Under 4 (c) of MPR 376 and Delegation Order 10, Amdt. 1]

TOMATOES IN BOISE, IDAHO DISTRICT

Order No. G-1 under section 4 (c) of Maximum Price Regulation 376 and Region VII Delegation Order No. 10, Amendment No. 1. Adjustment of maximum prices for "Certain Fresh Fruits and Vegetables, When Sold Otherwise Than at Retail" in the Boise, Idaho District.

Pursuant to the Emergency Price Control Act of 1942, as amended, and section 4 (c) of Maximum Price Regulation 376, and to the authority delegated to the District Manager of the Boise District Office by Region VII Delegation Order No. 10 and for the reasons set forth in an opinion issued simultaneously herewith, *It is hereby ordered*, That the above described order be amended in the following respects:

Section K (2) (1) is added to read as follows:

(i) To the maximum price computed under section K (1) and (2) for "tomatoes", one of the "listed commodities" covered by Order G-1 of the Boise District Office, an addition of 75¢ for a 28-30 pound lug, box or crate, and 50¢ for a 20 pound minimum lug, box or crate, may be added by a primary distributor of any class who warehouses, stores, ripens, repacks and resells to intermediate wholesalers or retailers from his warehouse, any "tomatoes" grown outside the Boise Idaho District. The resulting figure shall constitute a new "net cost" for such primary distributor, and the base price for all subsequent intermediate sellers and retailers.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Congress; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of July 1943.

C. C. ANDERSON,
District Manager.

[F. R. Doc. 43-13621; Filed, August 20, 1943;
11:33 a. m.]

SMALLER WAR PLANTS CORPORATION.

WALNUT GUNSTOCKS, INC.

RECOMMENDATION OF FORMATION OF WAR PRODUCTION ASSOCIATION

Walnut Gunstocks, Inc., 539 Postal Station Building, Indianapolis, Indiana, is a War Production Association comprising the five companies listed in Appendix I,¹ which have saw mill and wood working facilities. The purpose of this Association is to combine the facilities and skills of the member companies for the manufacture of articles, equipment, supplies and materials for war and essential civilian requirements, and more particularly walnut gun stocks, hand guard blanks and aircraft veneers. The activities of the Association will relate solely to war and essential civilian work, and will terminate within six months after the end of the war.

In my opinion the formation and operation of Walnut Gunstocks, Inc., is appropriate to the fulfillment of the purposes of Public Law 603, 77th Congress, approved June 11, 1942 (56 Stat. 351) and Executive Order No. 8891 of September 4, 1941. I have therefore approved the Plan of Organization, Procedure and Objectives of Walnut Gunstocks, Inc., and recommend that the

¹ Filed as part of the original document.

Chairman of the War Production Board find and certify under section 12 of Public Law 603, 77th Congress (56 Stat. 351) that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said Plan is requisite to the prosecution of the war (See Certificate 110, *infra*).

Issued at Washington, D. C., this 9th day of August 1943.

J. A. R. MOSELEY,
Acting Chairman.

APPENDIX I

Amos-Thompson Corp., Edinburg, Indiana.
Chester B. Stem, Inc., New Albany, Indiana.

Frank Purcell Walnut Lumber Company, Kansas City, Kansas.

Midwest Walnut Company, Council Bluffs, Iowa.

Pierson-Hollowell Co., Inc., Indianapolis, Indiana.

[F. R. Doc. 43-13593; Filed, August 20, 1943;
10:16 a. m.]

WAR FOOD ADMINISTRATION.

[Docket No. AO 166-A1]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING

Proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, 1941 Supp., 900.1-900.17; 7 F.R. 3350; 8 F.R. 2815), notice is hereby given of a hearing to be held at the Netherland-Plaza Hotel, Cincinnati, Ohio, beginning at 10 a. m., e. w. t., August 25, 1943, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. These amendments have not received the approval of the War Food Administrator.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modification thereof, which are hereinafter set forth. The amendments which have been proposed are set forth below:

AMENDMENTS PROPOSED BY THE COOPERATIVE PURE MILK ASSOCIATION AND THE CINCINNATI SALES ASSOCIATION

1. Delete § 965.7 (a) (1) and (2) and substitute therefor the following:

(1) *Class I milk*, \$4.35.

(2) *Class II milk*, \$3.50: *Provided*, That in no event shall the Class II price be less than twenty-five cents (\$.25) higher than the Class III price as provided in (a) (3) of this section.

2. Add as § 965.10 (c) the following:

(c) *Cooperative payments*. Any cooperative association of producers may apply to the Secretary for a determination of its qualifications to receive pay-

ments pursuant to this paragraph by reason of its having and exercising full authority in the sale of the milk of its members; arranging for and supplying, in a manner commensurate with the marketing capacity of the several types of cooperative associations designated in this paragraph, in times of short supply, Class I milk to the marketing area; securing utilization of milk, in times of long supply, in a manner to assure the greatest possible returns to all producers; having its entire activities under the control of its members; and complying with all provisions of this order applicable to it.

After the Secretary has determined any cooperative to be qualified to receive payments pursuant to this paragraph, such cooperative shall, from time to time, as requested by the market administrator, make reports to the market administrator with respect to services rendered to the market and the use of the sums received under this paragraph. Whenever the market administrator has reason to believe that any cooperative qualified by the Secretary is failing to perform the obligations covered by the payments under this paragraph, he shall suspend and hold in reserve such payments, notifying the Secretary and the cooperative of his action and the reasons therefor. Such suspended payments shall be held in reserve until the Secretary has, after hearing, disqualified such cooperative or ruled upon the performance of the cooperative and either ordered the suspended payments to be paid to the cooperative in whole or in part or disqualified the cooperative, in which event the balance of payments held in reserve shall be returned to the producer-settlement fund.

The market administrator shall make the payments authorized by this paragraph, or issue credit therefor, out of the producer-settlement fund on or before the 25th day of each month, subject to verification of the reports upon which such payment is based. Such payments shall be made to each cooperative association of producers under the following conditions and at the following rates:

1. One half of one cent per hundredweight of milk received from producers at any handler's plant which was caused to be delivered from its members by such association and on which such handler has made the reports and payments required by this order;

2. Three cents per hundredweight of milk received from producers at plants operated by such association and, if, in addition to the other qualifications, such association has been determined by the Secretary to have sufficient plant capacity to receive all the milk of producers who are members and to be willing and able to receive milk from producers not members, three cents per hundredweight of milk received from producers which was caused by it to be delivered to any other complying handler and which is reported and collected for by such association.

AMENDMENTS PROPOSED BY THE CINCINNATI SALES ASSOCIATION

1. Delete "(b), (c) and" from § 965.7 (a).
2. Delete § 965.7 (b) *Price of Class I Milk Disposed of Outside the Marketing Area.*

3. Delete § 965.7 (c) *Price of Class I Milk Disposed of for Relief Distribution.*

AMENDMENTS PROPOSED BY THE COOPERATIVE PURE MILK ASSOCIATION

1. Delete § 965.8 (a) and substitute therefor the following:

(a) *Computation of uniform price.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from producers, as follows:

(1) Add together the values of milk as computed in § 965.7 (e) for handlers who made the payments to the producer-settlement fund as required by § 965.9 (b);

(2) Subtract the amounts computed pursuant to § 965.10 (a) (2);

(3) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: multiply the hundredweight of such milk by the variance of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter sold at wholesale in the Chicago market during the delivery period, as reported by the United States Department of Agriculture, was more than 40 cents; or by 40 cents if such average price of butter was more than 30 cents but not more than 40 cents; or by 30 cents if such average price of butter was 30 cents or less;

(4) Add the cash balance in the producer-settlement fund;

(5) Divide by the total hundredweight of milk of producers represented in the sum computed pursuant to (1) of this paragraph; and

(6) Subtract from the figure obtained in (5) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such delivery period for milk of producers which contains 3.5 percent of butterfat.

2. Delete § 965.10 (a) and substitute therefor the following:

(a) *Calculation of payments for each producer.* For each delivery period, the market administrator shall calculate the payment due each producer from whom milk was received during such delivery period by a handler who paid into the producer-settlement fund in accordance with § 965.9 as follows:

(1) Multiply the hundredweight of milk received from each producer by the uniform price computed in accordance with § 965.8 (a): *Provided*, That if the milk of such producer was of a weighted average butterfat content other than 3.5 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 3.5 percent, 5 cents if the average price of butter described in § 965.8 (a) (3) was more than

40 cents; 4 cents if such average price of butter was more than 30 cents but not more than 40 cents; or 3 cents if such average price of butter was 30 cents or less.

(2) Subtract in each case, the amount of the payment made pursuant to § 965.9 (a), and the charges and the deductions, if any, which are made pursuant to § 965.9 (b).

AMENDMENTS PROPOSED BY DAIRY AND POULTRY BRANCH, FOOD DISTRIBUTION ADMINISTRATION

1. Delete § 965.3 (a) (1) and substitute therefor the following:

(1) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers or perform the duties, pursuant to the act, of the War Food Administrator.

2. Review the definition of the marketing area (§ 965.3 (a) (2)) in the light of price proposal affecting § 965.7 (b).

3. Delete the proviso in § 965.3 (a) (4) and all references to new producers wherever such references appear in any section.

4. Amend the Class I, Class II, and Class III prices to the extent necessary to prevent the diversion of Cincinnati milk supplies to other fluid milk markets or to manufacturing milk plants.

5. Following the words "United States Department of Agriculture" in § 965.7 and § 965.8 add: "or such other agency as hereafter may be authorized to perform this price-reporting function."

6. Delete the word "Secretary" and substitute therefor "War Food Administrator" wherever the former appears in any section.

7. Delete § 965.14 and substitute therefor the following:

§ 965.14 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated August 20, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-13598; Filed, August 20, 1943; 11:14 a. m.]

WAR PRODUCTION BOARD.

[Certificate 110]

WALNUT GUNSTOCKS, INC.

APPROVAL OF PLAN FOR FORMATION OF WAR PRODUCTION ASSOCIATION

The ATTORNEY GENERAL: I submit herewith a recommendation of the Acting

Chairman of Smaller War Plants Corporation concerning the plan of organization, procedure and objectives of Walnut Gunstocks, Inc., Indianapolis, Indiana, a war production association organized for the purpose of manufacturing articles, equipment, supplies and materials for war and essential civilian requirements.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the plan referred to in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13592; Filed, August 20, 1943;
10:16 a. m.]

[Certificate 111]

TRANSPORTATION AND DELIVERY OF FLOWERS IN ITHACA, N. Y.

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL: I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Bool's Flowerdale and others named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in Ithaca, New York.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13587; Filed, August 20, 1943;
10:16 a. m.]

[Certificate 112]

COORDINATION OF OPERATIONS BETWEEN BUTTE AND DRUMMOND, MONT.

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL: I submit herewith Supplementary Order ODT 3, Revised-52, issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of

certain common carriers of property by motor vehicle between Butte and Drummond, Montana.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-52, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13588; Filed, August 20, 1943;
10:16 a. m.]

[Certificate 113]

OVER-THE-ROAD SERVICE IN DESIGNATED EASTERN CITIES

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL: I submit herewith Supplementary Order ODT 3, Revised-50, issued by the Director of the Office of Defense Transportation with respect to coordination of operations by three common carriers of property by motor vehicle in over-the-road service between common points and in collection and delivery service over duplicate routes in the cities of Baltimore, New York, Philadelphia, Trenton, Newark and Washington, and environs thereof.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-50, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 14, 1943.

[F. R. Doc. 43-13589; Filed, August 20, 1943;
10:15 a. m.]

BLACKFEET PROJECT, MONT.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Blackfeet Project, Montana.

The stop construction order issued December 16, 1942, and amended April 2, 1943, is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13612; Filed, August 20, 1943;
11:27 a. m.]

FORT PECK PROJECT, MONT.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Fort Peck Project, Montana.

The stop construction order issued December 16, 1942, is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13609; Filed, August 20, 1943;
11:27 a. m.]

BONNY LANE ROAD PROJECT, NEV.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Bonny Lane Road, Shoshone, Nevada.

The stop construction order issued November 19, 1942 is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13611; Filed, August 20, 1943;
11:27 a. m.]

WIND RIVER PROJECT, WYO.

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Wind River Project, Wyoming.

The stop construction order issued December 16, 1942, is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13610; Filed, August 20, 1943;
11:27 a. m.]

PYRAMID LAKE PROJECT

CANCELLATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Department of the Interior, Office of Indian Affairs, Washington, D. C. Project: Pyramid Lake Project, Nevada.

The stop construction order issued December 16, 1942, is hereby cancelled.

Issued August 20, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13613; Filed, August 20, 1943;
11:27 a. m.]

¹ *Supra.*